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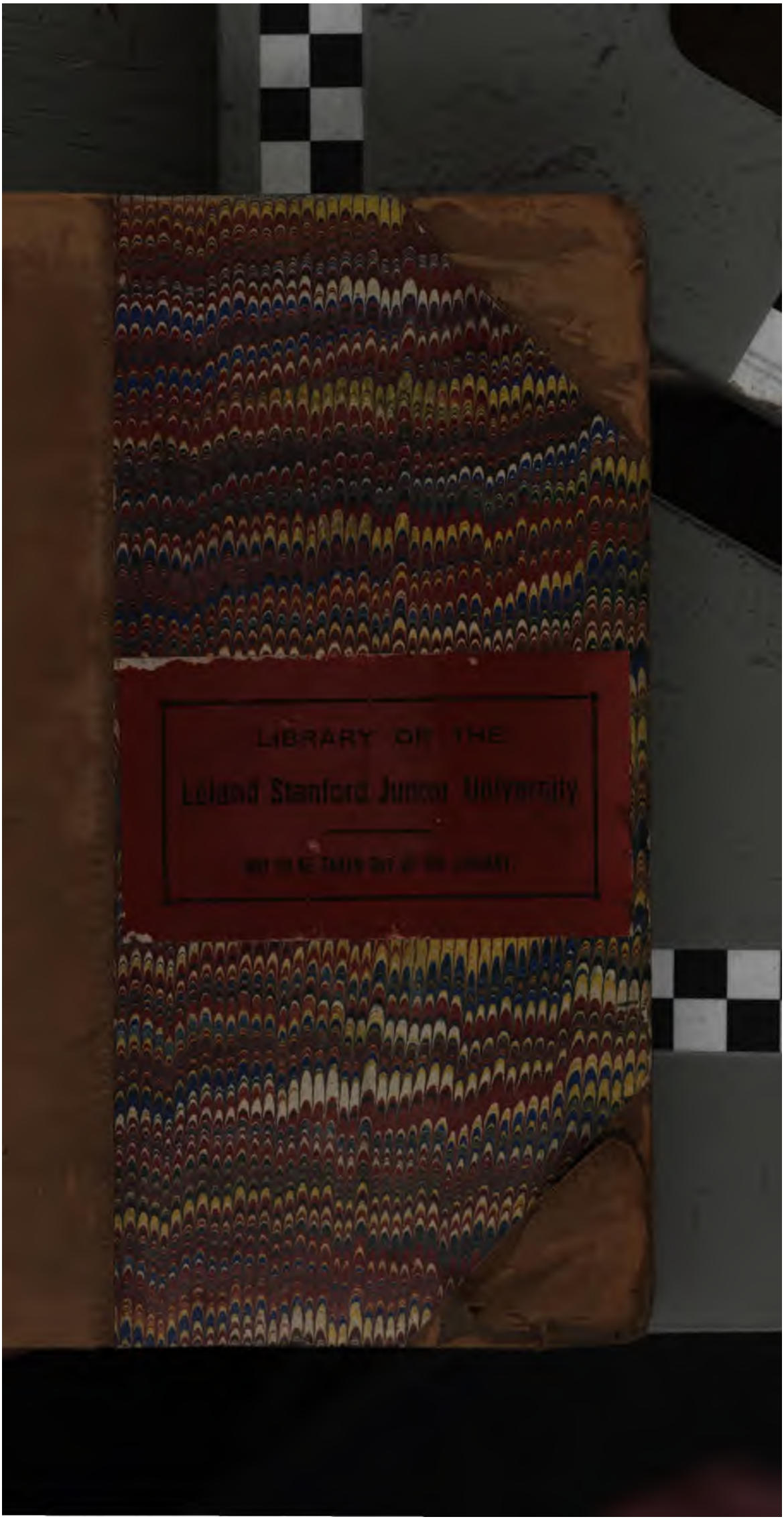
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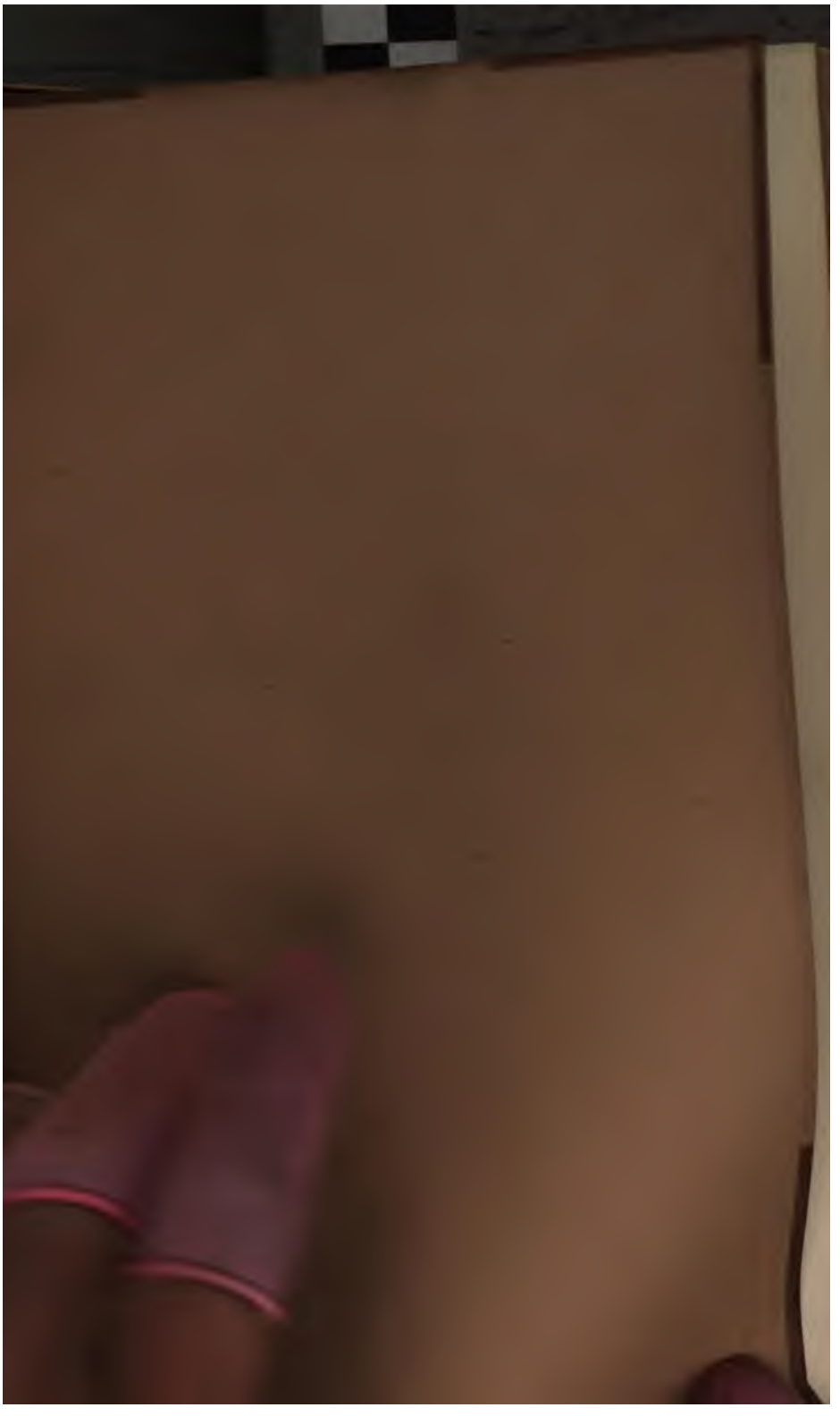

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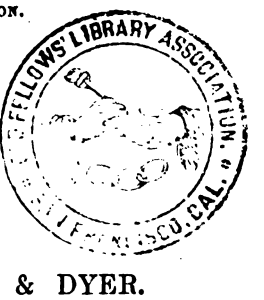

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Ratcliff, Colonel
Rathbone, P. H.
Rathbone, William, M.P.
Rawlinson, Sir Christopher
Rawlinson, Robert, C.B., C.E.
Read, C. S., M.P.
Richard, Henry, M.P.
Richson, Rev. Canon
Rigg, Rev. J. H., D.D.
Ripon, Marquis of
Rothschild, Baron Lionel de, M.P.
Rothschild, Baron Mayer de, M.P.
Russell, Earl, K.G.
Rutson, A. O.
Ryalls, C. W., LL.D.
Ryland, Arthur

St. David's, Lord Bishop of
Safford, A. Herbert
Salomons, Sir David, Bart., M.P.
Shaen, Rev. Richard
Shaen, William
Shaftesbury, Earl of, K.G.
Smithies, T. B.
*Spotton, William
Stallard, Dr. J. H.
Steinthal, Rev. S. A.
Stephenson, Rev. Nash
Stevenson, James C., M.P.
Stewart, A. P., M.D.

Taylor, P. A., M.P.
Taylor, R. W. Cooke
Teignmouth, Lord
Teulon, Seymour
Tite, Sir Wm., Bart., F.R.S., M.P.
Tomline, George, M.P.
Torrens, Sir Robert R., M.P.
Tufnell, E. Carlton
Twining, Thomas

Vaughan, James
Verney, Sir Harry, Bart., M.P.

Waddilove, Alfred, D.C.L.
*Walker, John
*Waller, J. F., LL.D.
Ware, Martin
*Warrack, John
Waterhouse, Samuel, M.P.
Watson, Sir Thomas, Bt., M.D., F.R.S.
Webster, Thomas, Q.C., F.R.S.
Weguelin, Thomas, M.P.
West, Henry W., Q.C., M.P.
Westlake, John
Wheelhouse, W. St. John, M.P.
*White, Peter
White, Robert
Whitwill, Mark
Williams, Arthur J.
Williams, Sir F. Martin, Bart., M.P.
Wilmot, Sir J. E. Eardley, Bart.
Wingfield-Baker, R. B., M.P.

Yeats, John, LL.D.

EXECUTIVE COMMITTEE.

Clode, William
Cookson, W. Strickland, *Treasurer*

Dunn, E. C.

Edgar, Andrew, LL.D.

Gael, S. H.

Hardwicke, William, M.D.
Hastings, G. Woodyatt, *President of Council*
Hawes, William, *Treasurer*
Hill, Frederic

Lambert, Rev. Brooke

McClelland, James
Marshall, James
Mouat, F. J., M.D.
Mozley, H. N.

O'Malley, E. L.

Pears, Edwin, *General Secretary*

Ryalls, C. W., LL.D.

Safford, A. Herbert

Teulon, Seymour

Waddilove, Alfred, D.C.L.
Westlake, John, *Foreign Secretary*
White, Robert

FOREIGN CORRESPONDING MEMBERS.

Monsieur Le Comte J. Arrivabene, Bruxelles.
Marquis D'Avila, Ministre d'Etat de S. M. Très Fidèle, Lisbon.
Monsieur Michel Chevalier, Avenue de l'Impératrice, No. 27, Paris.
Monsieur Le Comte Auguste Cieszkowski, Wierzenica, Grand-Duché de Posen.
Monsieur Corr-Vander Maeren, Bruxelles.
Monsieur Demetz, Colonie de Mettray, France.
Samuel Eliot, LL.D., Boston, U.S.
David Dudley Field, New York, U.S.
Dr. Guillaume, Neuchâtel, Switzerland.
Monsieur Le Dr. C. Helm, Wien, Austria.
Baron Von Holtzendorf, Berlin.
Dr. Edward Jarvis, Dorchester, Massachusetts, U.S.
Hon W. Beach Lawrence, Ochre Point, Newport, Rhode Island, U.S.
His Excellency Senor Don Arturo de Marcoartu, Spain.
Monsieur Le Dr. Neumann, Köpnicker Strasse, No. 110a, Berlin.
Monsieur F. Le Play, Conseiller d'Etat, &c., Place-Saint Sulpice, No. 6, Paris.
Monsieur Le Dr. Schubert, Königsberg.
Monsieur W. H. Suringar, Président de Mettray, Amsterdam.
Monsieur Le Dr. Susani, Professeur de Mécanique Industrielle à la Société des Arts, Milan.
Monsieur Le Dr. Varrentrapp, Francfort-sur-Main.
Monsieur A. Visschers, Conseiller au Conseil des Mines, Rue Royale, No. 106, Bruxelles.
Count Zamoyski, Cracow, Russia.

HONORARY MEMBERS.

Mrs. John Knox, London.
Miss Mary Carpenter, Bristol.

OFFICERS OF THE ASSOCIATION FOR 1872-73.

President.

The Right Hon. LORD NAPIER AND ETTRICK, K.T.

Vice-Presidents.

The Right Hon. EARL RUSSELL, K.G.
The Right Hon. EARL OF SHAFTESBURY, K.G.
The Right Hon. LORD DUFFERIN AND CLANDEBOYE, K.G.
The Right Hon. EARL OF CARNARVON.
The Right Hon. Sir STAFFORD NORTHCOTE, Bart., M.P.
His Grace THE DUKE OF NORTHUMBERLAND.
The Right Hon. Sir JOHN S. PAKINGTON, Bart., G.C.B., M.P.

Presidents of Departments.

I. Sir JOHN DUKE COLERIDGE, Q.C., M.P.
II. GEORGE WOODYATT HASTINGS.
III. Dr. ACLAND, D.C.L., F.R.S.
IV. Sir JOHN BOWRING, LL.D.

President of the Council.

GEORGE WOODYATT HASTINGS.

General Secretary.

EDWIN PEARS.

Foreign Secretary.

JOHN WESTLAKE.

Secretaries of Departments.

I. H. N. MOZLEY.
II. Rev. BROOKE LAMBERT.
III. WILLIAM CLODE.
IV. E. L. O'MALLEY.

A. HERBERT SAFFORD.
WILLIAM HARDWICKE, M.D.
Rev. S. A. STEINTHAL.

Treasurers.

W. STRICKLAND COOKSON. | WILLIAM HAWES.

Auditors.

FRANCIS FULLER. | A. V. NEWTON.

Assistant Secretary.

JAMES ROBINSON.

Bankers.

THE LONDON AND WESTMINSTER BANK, 1, St. James's Square, S.W.
Messrs. RANSOM, BOUVERIE, & Co., 1, Pall Mall East, S.W.

Office of the Association.

1, ADAM STREET, ADELPHI, LONDON, W.C.

LOCAL OFFICERS OF THE PLYMOUTH AND DEVONPORT MEETING.

Vice-Presidents.

The Right Worshipful The Mayor of Plymouth.
The Right Worshipful The Mayor of Devonport.
The Right Worshipful The Mayor of Bodmin.
The Right Hon. The Earl of Devon.
The Right Hon. Earl Fortescue.
The Right Hon. The Earl of Morley.
The Right Hon. The Earl of Mount Edgcombe.
Right Rev. The Lord Bishop of Exeter.
The Right Hon. Lord Graves.
The Right Hon. Sir Stafford H. Northcote, Bart., M.P.
Lord Arthur Russell, M.P.
Sir Thomas Dyke Acland, Bart., M.P.
Sir Massey Lopes, Bart., M.P.
Sir Edward St. Aubyn, Bart.
Sir John Salusbury Trelawny, Bt., M.P.
Sir Robert R. Torrens, M.P.
Edward Bates, M.P.
Montagu Chambers, Q.C., M.P.
R. N. Fowler, M.P.
Samuel Trehawke Kekewich, M.P.
J. H. Kennaway, M.P.
John Delaware Lewis, M.P.
Walter Morrison, M.P.

Secretaries.

E. G. Bennett.
Christopher Bulteel, F.R.C.S.
Rev. C. M. E. Collins.
Rev. Treasurer Hawker.
J. J. E. Venning.

Secretaries of Departments.

I.—*International and Municipal Law Section.*—T. C. Brian. R. Reynolds Fox.
Repression of Crime Section.—William Phillips. G. H. E. Rundle.
II.—*Education.*—F. E. Anthony. George Jago. R. C. Smith.
III.—*Health.*—Thomas Littleton. John Rolston, M.D. Wm. Square, F.R.C.S.
IV.—*Economy and Trade.*—A. P. Prowse. C. Bearblock.

Executive Committee.

The Right Worshipful The Mayor of Plymouth.
The Right Worshipful The Mayor of Devonport.
W. H. Alger, Jun.
F. E. Anthony, M.A.
C. Spence Bates, F.R.S.
C. Bearblock.
J. N. Bennett.
T. C. Brian.
W. F. Collier.
S. P. Cook.
W. Currie, M.A.
Edward Ede.
R. R. Fox.
T. W. Freckelton.
E. Goadby.
A. Groser.
J. Hine, F.R.I.B.A.
A. Hubbard.
G. Hubbard.
W. C. James.
R. W. P. Kerswill.
T. Littleton, M.B.
Rev. Canon Mansfield.
W. Mogg.
R. Oram.
J. Pike.
Glinn Pridham.
A. P. Prowse.
J. Rolston, M.D.
A. Rooker.
F. Row, M.D.
J. B. Rowe.
J. W. W. Rider.
R. C. Smith.
Rev. J. Stock, LL.D.
G. W. Soltau-Symons.
W. J. Woollcombe.

Treasurers.

A. G. Eyde, Capt R.N.
Francis Hicks.

PRESIDENTS AND VICE-PRESIDENTS OF DEPARTMENTS OF THE PLYMOUTH AND DEVONPORT MEETING.

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

President.

THE ATTORNEY-GENERAL, SIR JOHN DUKE COLERIDGE, Q.C., M.P.

INTERNATIONAL AND MUNICIPAL LAW SECTION.

Vice-Presidents.

JOSEPH BROWN, Q.C.	GEORGE PRIDHAM.
Mr. Serjeant COX.	ALFRED ROOKER.
M. DUNANT.	EDWARD ST. AUBYN.

REPRESSION OF CRIME SECTION.

Chairman.

J. H. KENNAWAY, M.P.

Vice-Chairmen.

Right Hon. Sir WALTER CROFTON, C.B.	J. W. W. RYDER.
	G. W. SOLTAU-SYMONS.

II.—EDUCATION.

President.

GEORGE WOODYATT HASTINGS.

Vice-Presidents.

Professor CHARLTON.	JOSEPH PAYNE.
T. CHATFIELD CLARKE.	C. T. WILKINSON.
L. P. METHAM.	

III.—HEALTH.

President.

Dr. H. W. ACLAND, D.C.L., F.R.S.

Vice-Presidents.

C. ALBERT HINGSTON, M.D.	CHARLES R. PRANCE, M.D. M.R.C.P.L.
W. H. MICHAEL.	
F. S. POWELL, M.P.	FREDERICK ROW, M.D.

IV.—ECONOMY AND TRADE.

President.

Sir JOHN BOWRING, LL.D.

Vice-Presidents.

W. F. COLLIER.	WALTER MORRISON, M.P.
GEORGE GODWIN, F.R.S.	General MEREDITH READ.
A. HUBBARD.	Sir ROBERT R. TORRENS, M.P.
Sir BALDWYN LEIGHTON, Bart.	THOMAS WOOLLCOMBE.

LAWS OF THE ASSOCIATION.

Object and Organization.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises Four Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Ten Shillings to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a President of Council, a General Secretary, a Treasurer or Treasurers, Foreign Secretary, and Secretaries of Departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every member who has filled the office of President or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

10. Such Members, not exceeding twelve, as shall be annually nominated by the Council, on the recommendation of the Executive Committee.

XII. The Executive Committee consists of the President of Council, the General Secretary, the Treasurers, the Foreign Secretary, one Secretary from each Department nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of

the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days notice, for such purpose and at such time and place as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions.*

XX. Any Ordinary Member, whose name has been submitted for that purpose to, and approved by, the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such

Meetings, and of the using of the Library at the Office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two representatives to attend the meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of legibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held by Law XIV.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power of appointing Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The President of Council is, *ex officio*, a Member of every Standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on Account of the Association are paid

into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

RECEIPT AND PAYMENT ACCOUNT.

For the year ending June 30th, 1872.

RECEIPTS.

				£	s.	d.
1871.						
July 1.	By Balance at London and Westminster Bank	235	19 0			
	„ „ Ransom & Co. ...	36	10 0			
	„ „ Petty Cash ...	0	2 4			
				272	11	4
1872.						
June 30.	„ Subscriptions received in Office and at Bankers'			997	11	0
	„ Leeds Congress, Sale of Tickets ...			704	16	0
	„ *Transactions* and Publications sold ...			40	11	10
	„ Rent of Rooms			37	17	0
	„ Advertisements			1	2	6
				£2,054	9	8

*** At the end of the financial year there were no liabilities, while there remained a balance in hand of 183*l.* 9*s.* 9*d.*, and debts owing to the amount of 86*l.* 1*s.* 11*d.*, making a total balance of 269*l.* 11*s.* 8*d.* in favour of the Association.

PAYMENTS.

				£	s.	d.
1872.						
June 30.	To Printing *Transactions* of 1870 (Balance)			121	17	10
	„ Do. *Transactions* of 1871, and Indexing			329	4	6
	„ Rent and Gas			203	9	2
	„ Salaries			375	5	0
	„ Wages			101	8	7
	„ Office Expenses			78	16	2
	„ Library—Books, &c.			37	11	1
	„ Printing:—					
	General Account ...	92	3 6			
	Sessional do. ...	139	13 6			
	Pamphlet do. ...	11	4 9			
				243	1	9
	„ Stationery			20	0	10
	„ *Transactions*, Delivery			32	1	9
	„ Postage			82	5	0
	„ Travelling Expenses			78	13	0
	„ Reporting Proceedings			92	6	0
	„ Advertising			17	16	3
	„ Collector's Commission, &c.			40	17	0
	„ Loan to International Prison Congress...			10	0	0
	„ Subscriptions returned			6	6	0
	„ Balance:—					
	London and Westminster Bank	70	2 9			
	Ransom & Co.	10	10 0			
	Petty Cash	2	17 0			
				83	9	9
	„ Amount transferred to Deposit Account...			100	0	0
				£2,054	9	8

Audited and found correct.

August 8th, 1872.

(Signed) FRANCIS FULLER.
JOHN KNOX.

FELLOWS' LIBRARY ASSOCIATION

INTRODUCTION.

THE Sixteenth Annual Congress of the Association was held at Plymouth and Devonport, from the 11th to the 18th of September last. A special service in St. Andrew's Church, Plymouth, commenced the proceedings on Wednesday, the 11th, the Rev. Brooke Lambert, Vicar of Tamworth, and Secretary of the Education Department, preaching the sermon. In the evening of that day the opening address was delivered by the President, Lord Napier and Ettrick, K.T.; and on the following days, as usual, the business of the departments was preceded by an address from one of their Presidents.

A crowded and enthusiastic Working Men's meeting was held on Friday, the 13th, in the Albert Hall, Stonehouse. The President, Lord Napier, took the chair, and was supported by the Mayors of the two towns, the Presidents of the Departments, and the leading members of the Congress. Mr. G. W. Hastings, President of the Council and of the Education Department, who spoke first, observed that it had been the custom—and he hoped it would never be departed from—of asking the presence of working men on one of the evenings during the Congress, believing that an Association established to improve the social condition of the community would be wanting in its duty if it did not meet those who represented the great bulk of the people, and ask them to aid, by their sympathy and support, in the deliberate and calm consideration of social questions. Speaking on education, he asked the working men to give their hearty support, and the moral support of their public opinion, to all who had to administer the great measure which had been passed to give

education to every child in the land, and he warned them against those who had maintained that compulsory attendance at school interfered with the liberty of the subject, at the same time pointing out his inability to understand that liberty which allowed a parent to bring up his child without education, to preserve him from vice and crime, and to save his soul. The Attorney-General, Sir John Coleridge, after remarking on the difficulty which prevented one class of the community from understanding the lives led by another, pointed out that such ignorance was a very good reason why they should be charitable, just, and generous in their judgments of one another. Both classes gained in being told how they appeared to the other. Alluding to the great improvement that had taken place among the higher classes in drinking customs, he remarked that the past state of things would not excuse the habitual and characteristic vice of working men, but it was a good reason why the higher classes should be cautious, candid, and generous, in considering the lives and actions of those who had not had the same, he would not say benefits, but the same conventions around them as the higher classes had. Referring to the amendment of the law, he said any new measure must give them cheaper law and fewer judges, so that the burden cast upon the taxpayer might be reduced. Dr. Acland, President of the Health Department, declared that the maintenance of a strong body to meet the increasing competition and labour in life was becoming more and more a serious problem for them all. A man was a citizen, and if he became sickly by his self-indulgence he did an injury to others. Then a man's constitution was inherited, and he was responsible to his children and children's children for much of their welfare and happiness, bodily and mental. He advised them that by the proper exercise of their franchise they might get laws which would enable them to obtain provisions for securing well sewered towns, and proper water supply, and healthy houses. Sir

John Bowring, whose death about three months after we have to lament, but who spoke on this occasion with wonderful vigour, gave some wholesome advice about the formation of working men's clubs.

Mr. Alfred Rooker, the Rev. S. A. Steinthal, Mr. Walter Morrison, M.P., and the noble Chairman also addressed the meeting.

The following report from the Council, containing a summary of the business transacted in the various departments, was presented to the concluding General Meeting of Members and Associates:—

The proceedings of to-day bring to a termination the sixteenth annual Congress of the Association. In the value of the papers read, and of the interest taken in many of the discussions, this Congress will compare favourably with any of its predecessors. The fact that the meeting was to be held at a great distance from London and the other great centres of English population, and that the number of inhabitants in the Three Towns is considerably smaller than that of the towns which the Association has usually visited, has caused the number of members and associates to be smaller than usual; but the Council have nevertheless to bear testimony to the great and successful exertions of the Local Executive Committee, to whom the Association is indebted for the local arrangements—arrangements which were rendered peculiarly difficult by the fact that it was necessary to hold some of the meetings in Plymouth and others in Devonport, and which could never have been properly carried out but for the cordial co-operation of the inhabitants, and especially of the mayors of the two towns. The session of the Congress was preceded by a sermon in St. Andrew's Church, preached by the Rev. Brooke Lambert, the Hon. Secretary of the Education Department, a clergyman who, by several years' connection with the Association, and by his long, practical, and unwearied study, in one of the most densely crowded and poorest of our London parishes, of pauperism, and of other questions bearing closely on the elevation of the poorest classes of the community, has earned the right to speak with some authority on these and kindred social questions. Following the example of former years, a meeting of working men was held. This meeting, like its predecessors, was attended by a large and attentive audience. The Association has to tender its best thanks to the Right Hon. Lord Napier and Ettrick for his services as President of the Congress; and to the Presidents, Vice-Presidents, and Secretaries of Departments, for the able and efficient manner in which they have performed their duties. They have also cordially to thank the Local

Executive Committee, the Local Secretaries, and the Committees of the Departments, for having brought the work of the Congress to a successful issue. For the rooms and other accommodation supplied, they have to return thanks to his Worship the Mayor and Corporation of Plymouth, and to his Worship the Mayor and Corporation of Devonport; to the Council of the Athenæum, Plymouth; to the Committee of the Oddfellows' Society, Devonport, and of the Devonport Mechanics' Institution; and to the Officials of the Royal Navy Annuitants' Office, for the accommodation afforded by the use of their rooms for the meetings of the several Departments; to his Grace the Duke of Bedford, and to the Right Honourable the Earl of Mount Edgcumbe, for their kindness and liberality in throwing open their grounds, and the provision made for the reception of the visitors; to the Dowager Countess of Mount Edgcumbe for permission to visit Cotehele House, and to the Earl of St. Germans for leave to go over Port Elliot; to the Naval Commander-in-Chief, and the Admiral Superintendent of the Dockyard for giving directions for the admission of visitors to H.M.'s Dockyards and premises, and the use of the Government steamers; to the Secretary of State for the Home Department for permission to see over Dartmoor Convict Establishment; to Captain Wilson, R.N., of H.M.'s training ship *Impregnable*, and to Captain Herbert, R.N., of H.M.'s gunnery ship *Cambridge*, for allowing visitors to go over those vessels; to Thomas Morris, Esq., for permission to examine the Devon Consols Mine; also to those who have extended their hospitality to the members. They have also to thank the press for the admirable way in which the proceedings of the Congress have been reported.

JURISPRUDENCE.

Municipal Law.—In the Municipal Law Section, the first special question as to the propriety of admitting an accused person, or the wife or husband of an accused person, to give evidence on his or her trial elicited considerable difference of opinion; some of the writers and speakers being of opinion that evidence of this kind should be admissible in all such cases; while others thought that the proposed scheme would subject a prisoner to unduly harsh treatment at the hands of a cross-examining counsel. The second special question was that of the practicability of an International High Court of Arbitration for the settlement of international disputes. Considerable difference of opinion was elicited here also. On the third special question, whether railway companies and other carriers of passengers ought to be responsible to an unlimited extent for the acts of their servants; a proposition to limit such liability was strongly opposed by the greater number of those who took part in the discussion. Voluntary papers were contributed on the Report of the Judicature Commission, on the Land Laws, on Church Courts, on the Law of Copyholds, and on the Colonial Question. The discussion on this last-mentioned subject was extremely valuable.

Repression of Crime Section.—On the question, "Is it desirable to adopt the Principle of Cumulative Punishment?" the attention of the Section was called to the recent resolution of the Liverpool magistrates in favour of cumulative sentences, and the remission of parts of a sentence in certain cases, subject to the supervision of the offender by the Discharged Prisoners' Aid Society. A suggestion by Mr. Baker was generally approved, that where a person has been convicted by a court of petty sessions more than once in a period of two years, the court should be empowered to double the previous sentence of imprisonment, except that where the last imprisonment has been for more than three months, the offender should be committed for trial at quarter sessions. After considerable discussion, the Section was unanimously in favour of applying the principle of cumulative punishment in cases where the offender had been guilty of a frequent repetition of the same crime. The special question—"Is it desirable that Industrial Day Schools should be established?" was opened by a paper which suggested important additions to our present legislation. These comprised—1st. Power to School Boards to certify as fit and proper for the purpose, "day feeding industrial schools," for children who cannot be induced to attend ordinary schools, with power to compel attendance at them. 2nd. In addition to the ordinary school expense, the board to have power to pay 1*s.* or 1*s.* 6*d.* per week for the maintenance of each child sent by the board to the school. 3rd. Power to the school board to recover from parents the whole or part of the money so paid, where practicable, and from the guardians of the poor the whole of the money paid for maintenance and schooling, if the child is chargeable. In the discussion which ensued, the general, but by no means unanimous, feeling of the Section was that the establishment of day industrial schools was desirable, but that it was not advisable at present to interfere with the recent Education Act. A useful discussion took place on the question, "What ought to be the Primary Aim of Punishment—to Deter or to Reform?" The meeting was in favour of punishment which, after having punished the offender for his offence, endeavoured to reform him, and was of opinion that the protection of society being the first object of all penal legislation, the primary object also of punishment was to deter from offences; the secondary, to reform the criminal. Important papers were read on "The Treatment of Prisoners before Trial," advocating the less severe treatment of untried prisoners, and pointing out serious defects in the police cells and gaols in which prisoners under examination are confined. The Section generally expressed a strong desire that the Council of the Association should appoint a committee to collect information, and, if desirable, to call the attention of the Home Secretary to the subject.

EDUCATION.

The discussions in the Education Department have been of more

than average interest. Two resolutions have been reported to the Council from the Department. One affirms that the results of our primary instruction are shown by the authorized reports of the Committee of Council on Education to be very unsatisfactory, and urges the Council of the Association to consider the question, with a view, if it is thought desirable, of pressing it upon the attention of Government. If the statistics brought forward by the reader of the paper with which the discussion was opened are correct, our system of primary education requires some radical change. If they are incorrect, it is important, in order that we should understand our position in regard to primary instruction, that they should be corrected. The second resolution referred to recommended the Council to urge upon the Government the reintroduction into Parliament of the Endowed Schools Bill (Part II.)—a measure which, providing for the voluntary registration of private school teachers, and the inspection of their schools, will supply valuable public provisions for the better secondary education of girls, prevent our endowed schools for both sexes relapsing into the condition from which it was the object of the Endowed Schools Commission and Act to raise them, and, by giving the public the means to distinguish between efficient and inefficient teachers, do much to enable our middle classes to obtain an education equal to that placed at the disposal of the corresponding class in almost every other civilized country. In regard to the education of girls, so much remains to be done that any step which will call the attention of Parliament to the daily widening interest of the public will be hailed with delight by those who have had the subject at heart. A very interesting discussion on the use of corporal punishments in education called forth the expression of a strong feeling in favour of their diminution. Amongst the many other interesting papers read in the Department ought to be specially mentioned one on the position which the universities may take up as examiners of schools throughout the country. The danger lest the local examinations as at present conducted should do no more than test the ability of a small per centage of the pupils, and the influence on education which would result from the examinations of entire schools, and the publication of the results, is a subject which the Council propose shall occupy the attention of the Department at a London meeting. Amongst the facts of educational importance communicated, was the existence of schools in Denmark and Sweden, where men and women of the farmer class attend at boarding schools during the slack time of the year, and receive higher instruction in the ordinary subjects of education. The instruction, though devoid of any dogmatic teaching, is permeated by a high moral tone, and one of the great aims seems to be to cultivate the virtue of patriotism.

HEALTH.

The paper which introduced the special question in the Health

Department, "What Steps should be taken to guard against Sewage Poisoning?" enforced the principle of not allowing deposits to remain sufficiently long in sewers to become decomposed and give off dangerous gases, and pointed out the desirability of having no direct communication between the sewers and the house drains, and of having ventilating pipes conducted through the outside wall. Various ingenious and valuable methods of trapping drains were explained, but the Department generally affirmed the principles laid down in the opening paper, and attached great importance to the systematic flushing of drains. The question of the principles on which a comprehensive measure for the improvement of the sanitary laws should be based was introduced by a paper which the Department thought so highly of as to adopt unanimously a resolution requesting the Council to print it *in extenso* for special and general circulation. A paper on the Public Health Act of 1872, with special reference to the Three Towns, gave extremely valuable information, and led to a discussion in which there was a general expression of confidence that guardians, local boards, and town councils would rise to the active and conscientious discharge of the duties imposed on them by the Public Health Act. On the question of the best means which can be adopted to prevent the pollution of rivers, the opinion of many members of the Department was that up to the present time the direct application of the sewage to land had been more successful than any of the many methods which have been suggested for its disposal by other means. A paper on some of the eccentricities of recent sanitary legislation led to a discussion which resulted in a recommendation to the Council to turn its special consideration to the question.

ECONOMY AND TRADE.

The special question, "How far ought Taxation to be Direct or Indirect?" was introduced by papers which strongly insisted upon the economical advantages of direct taxation, as producing the needful revenue at the least per centage of cost, as interfering as little as possible with trade and production, and as promoting general prosperity, which is impeded by an indirect system. The discussion, which was of a very practical character, showed that the great majority of the speakers preferred a mixed system of direct and indirect taxation in preference to one purely of direct taxation. The difficulty of applying a system of direct taxation to all classes was repeatedly and emphatically dwelt upon, as also the danger of placing power in the hands of one class and the weight of taxation upon another. The general result of the discussion on the question of arbitration as a substitute for war was, that the most practical means which could be taken to bring about so desirable a result, lay in the formation of a general public opinion in this and other countries in favour of the former over the latter method of deciding international differences. A paper was read by a member of the Spanish Parliament on the

"Possibility of establishing a Representative European Assembly, which should take Cognizance of International Disputes." Important papers were read on "Social Reforms in India," on "Free Trade in Land," and on "Government Insurance for the Labouring Classes." In the latter the question of the practicability of extending the Government plan already in existence in connection with the Post-office savings banks, in place of the present often unsound friendly and benefit societies, was discussed. A paper on the question of "Factories and Workshops' Inspection," with special reference to brick and tile yards—a subject brought forward two years ago by the same gentleman, and supported by such facts as at once arrested public attention, and secured the intervention of the Legislature—urged that the remedy then applied is far from being efficient, and suggested various amendments which should be of practical value. A paper on the condition of the needlewomen revealed a state of misery among that class of women which many had believed no longer to exist. The paper and the discussion which followed it showed that the only practicable remedy would be found in the opening of new and remunerative occupations for women. A paper on the present condition of the licensing laws in Great Britain and Ireland, pointed out that many of the suggestions adopted by the Council of the Committee of the Association on Licensing had been embodied in the new law, while several important recommendations had been included in a modified form. The general discussion leaned towards the insertion of some kind of popular veto in any amendment of the law, though several speakers advocated an open, if not absolute, free trade in intoxicating liquors. The discussion on the condition of the agricultural labourers elicited much valuable information. The opinion generally prevalent was, that their condition is far from what it might and ought to be; and that though there exists no panacea by which the agricultural labourer may suddenly raise himself, yet that an improved administration of the poor law, better education, improved dwellings, with garden ground, emigration, and migration from one part of this country to another, soundly constituted friendly and benefit societies, which will assist in cultivating habits of thrift, amendment of our laws relating to the transfer of land, payment or part payment by a share of the profits, and a co-operative system by which the labourers may raise themselves out of the condition of hired labour into that of members of an industrial partnership, that each of these may do something towards enabling the labourer to work out his own deliverance.

The Council have had under their consideration a munificent offer of 300*l.* from Don Marcoartu, as a prize for the best essay on the practicability of the establishment of an International Tribunal, with the object of avoiding war. The matter has been referred to the Executive Committee, with the best thanks of the Council to the munificent donor. The Council has accepted an invi-

tation to hold its next annual Congress in the city of Norwich, and has recommended to its successor to accept the invitation forwarded to this Congress from the city of Glasgow for the year 1874.

During the last Session twenty evening meetings were held at the rooms of the Association in London, at which a variety of papers were read and discussed. These papers and discussions are printed in a Journal published at short intervals during the Session, and circulated among those Members paying an extra guinea for the privilege of attending these meetings.

The present Session commenced on the 14th of November with an address by Mr. J. Fitzjames Stephen, Q.C., on Codification in India and England.

The draft outline of an international code has been prepared by Mr. David Dudley Field, of New York. At the Manchester Congress, in 1866, a committee was appointed, consisting of jurists of different nations, to prepare and report on the subject, with a view of having a complete code formed after careful revision and amendment, and then presented to the different Governments, in the hope of receiving their sanction. The present contribution to this code consists of two volumes, divided into the same number of books. Book the first treats of the relations of nations and of their members in time of peace; and the second, that of modifications in the relations of nations and of their members to each other produced by a state of war.

An International Prison Congress, presided over by the Right Hon. the Earl of Carnarvon, was held in the Hall of the Middle Temple, from the 3rd to the 13th of July. At an early period a General Committee was appointed to make the necessary arrangements. The Council of this Association, desirous of giving every aid in their power to make the Congress a successful and useful meeting, resolved to co-operate with Dr. Wines, Commissioner from the United

States, to organize the Congress. The labours of the Committee met with eminent success. Twenty-three nations were officially represented, Nearly every State in the American Union, and some of our own colonies, had also representatives. Upwards of one hundred and twenty foreign visitors, nearly all experts in questions relating to the prevention and repression of crime, were thus gathered together. Besides the foreign members, there were present also representatives from many of the courts of quarter sessions, benches of magistrates, and other public bodies. The discussions were regarded by the members of the Congress—the most competent body of judges—as exceedingly valuable. H.R.H. the Prince of Wales honoured the Congress by being present at the *soirée* given in the Hall.

M. Henry Dunant, the originator of the work of the "Red Cross," and of the Convention signed in Geneva (1864) for ameliorating the condition of the wounded, brought before the Association a proposal for introducing uniformity into the treatment of prisoners of war. The great success which attended M. Dunant's previous efforts makes his new proposal one of peculiar interest. In the nine articles of the Convention, signed at Geneva, in 1864, and acceded to by the British Government in February, 1865, the leading European States virtually agreed upon a number of articles of an International Code. It is now proposed that steps shall be taken towards framing similar propositions for introducing uniformity into the treatment of prisoners of war. A Joint Committee of the Association and of the National Society for Aiding the Sick and Wounded in Time of War has been appointed to consider and report thereon.

A second Central Conference of Chairmen and Vice-Chairmen of Boards of Guardians was held in November last, under the auspices of the Association, with a view to bring together those who were interested in poor law administration, to compare experience, and to hear suggestions. The

Conference was a very large and influential gathering of persons interested in poor law administration, and was presided over by Mr. Hibbert, M.P., parliamentary secretary to the Local Government Board.

A Conference, called by the Association and the Scholastic Registration Association, and consisting of teachers and others interested in education, was held in the opening of the present month to consider questions affecting mainly the education of the middle classes. Several valuable papers were read and discussed, and resolutions passed urging the objects of the meeting.

A petition was presented to the House of Commons by the Council in favour of the appointment of a Public Prosecutor, as a means conducive to the diminution of crime and the conviction of offenders. The Jurisprudence Committee at the same time expressed their opinion that, as the worst effects of the want of a system of public prosecution were seen in the metropolitan police district, it would be expedient, in the first instance, to limit the operation of the measure to that area. The Council are glad to learn that this suggestion was generally approved, and they congratulate the Association that the measure will probably be reintroduced next Session with the modification mentioned, and will be a Government measure.

The Council have again memorialized the Government in favour of reintroducing the Endowed Schools Bill, Part II. The Bill would provide for efficient teaching by thoroughly qualified persons, and prevent the growth of abuses in endowed schools arising mainly from want of inspection, supervision, and examination. A joint deputation of this Association and several educational associations also waited on Mr. Forster, at the Privy Council Office, to urge upon him the importance of the subject.

Two deputations of the Joint Committees of this Association and the British Medical Association on State Medicine and

the Organization and Administration of the Sanitary Laws, waited upon Mr. Stansfeld, at the Local Government Board, Whitehall, to urge upon him the expediency of introducing certain provisions into the measure then before Parliament on this subject. Memorials were on each occasion presented. The deputation urged the necessity of the consolidation of the existing law, a large extension of area, an amendment in local authorities, and the establishment of a registration of sickness. The Council also adopted a series of resolutions on the subject, which were printed and circulated.

A communication was made by the Standing Committee of the Health Department to the President of the Local Government Board on the subject of the steps desirable to be taken in view of the possible outbreak of cholera. A letter, in reply, stated that the President had had the suggestions under his attentive consideration; that he proposed the adoption of some of them, and that he would willingly give his best attention to any further suggestions which the result of the discussions of the Association might possibly induce them to make.

A memorial on the subject of the Regulation of Mines was presented early last year to the Secretary of State for the Home Department. Under the Mines Inspection Act many important precautions introduced are still neglected, whereby a large proportion of the lives lost by mine accidents, and a far larger number of severe injuries not fatal are caused. The Council were of opinion that such misery could be much alleviated and greatly diminished. The Council subsequently petitioned the House of Commons in favour of the Mines Regulation Bill, which provided to some extent for the evils complained of. They are glad to report that the Legislature has concurred in several of the suggestions made.

The Special Committee appointed to consider the present Licensing Laws had referred to them a resolution passed at

the Leeds Congress, recommending the Council to continue their labours to aid in securing from Parliament a comprehensive measure dealing with the sale of intoxicating liquors. A series of resolutions were drawn up and approved by the Council, and ordered to be presented to the Secretary of State for the Home Department, who had charge of the Licensing Bill. Many of these suggestions also have been adopted by the Legislature.

The Committee of Labour and Capital have had under their notice the builders' lock-out and strike in London, and have been able to render useful service. Resolutions by the Committee, advising a friendly conference between the masters and workmen, and, if necessary, reference to arbitration, having been issued, the masters at once expressed their willingness to adopt them; and in a short time the masons also, in effect, gave their consent; the speedy result being an abandonment of the strike so far as the masons were concerned, and the complete cessation of the lock-out.

The prize of ten guineas offered by a Member of the Association for the best "Essay on Domestic Service; its Use and Abuse," has been awarded to the Rev. J. C. Harrington, of Hurstmonceux Place, Sussex.

The Council have to record with regret the death of Sir John Bowring, LL.D., who held the office of President of the Economy and Trade Department for the present year, and delivered his address as such at the Congress at Devonport.

The Council have further to record the death of several Members of the Association; among them, Dr. Aldis (London), C. H. Bracebridge, Esq. (Atherston), J. S. Bickford, Esq. (Cornwall), Potto Brown, Esq. (Huntingdon), Robert Cox, Esq. (Edinburgh), Henry Charlton, Esq. (Bristol), G. M. Haddock, Esq. (London), M. D. Hill, Esq., Q.C. (Bristol), Lawrence Heyworth, Esq. (Liverpool), George Laing, Esq. (Edinburgh), Sir Henry Lambert, Bart. (Malvern), and Rev.

Professor Maurice (Cambridge). Of the assistance rendered to the Association by the late M. D. Hill, Esq., Q.C., and Dr. Aldis, the Council have passed resolutions signifying their high appreciation.

The next Annual Meeting will be held in Norwich.

EDWIN PEARS.

January, 1873.

LAW LIBRARY ASSOCIATION SAN FRANCISCO, CAL.

Opening Address

BY

THE RIGHT HON. LORD NAPIER AND ETTRICK, K.T.

PRESIDENT OF THE ASSOCIATION.

THE year which has gone by since the last meeting of this Association may not be pre-eminently conspicuous in the annals of Social Science, but it will not pass undistinguished or unremembered. It has given birth to two enactments at least, which are destined to have an honourable place upon our educational and sanitary roll—the Scotch Education Act, and the Public Health Act. It has also witnessed the gradual development of the Act for Elementary Instruction in England, a process on which the attention of the country is fixed with more than usual anxiety and emotion.

The Education Act for Scotland passes comparatively unobserved, for two reasons: it does not affect a great number, and it does not supply a great necessity. The people of Scotland form but a small proportion of the Imperial aggregate, and the provisions for instruction, though defective in amount, in character, and in application, if tested by a high theoretic standard, had sufficed to constitute a nation possessing a vigorous intellectual cast, a large share of useful knowledge, and a strong appreciation of the value of learning. The ancient institutions for popular education, so long regarded by the Scotch with pride and fondness, have been brought under a comprehensive law adapted to the diversified interests and liberal principles of the age; but the census for 1871 records to the honour of the past that it has bequeathed to the present a people of whom fifteen per cent. are in the receipt of primary instruction, and a body of children between the ages of five and thirteen of which four-fifths are attending school. This result represents the spontaneous growth of national inclination, and it contrasts, as far as numbers are concerned, not unfavourably with the effects of long-sustained official compulsion on the Continent of Europe.

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general system of local management, a general rate, and universal obligatory attendance. It is complete and absolute where the Act for England is partial and facultative. These provisions are, however, raised upon an old basis, and could not have been established without it; the School Board is a transformation of the heritors' meeting; the rate is an expansion of the former charge upon the land; and the rule of compulsion has been adopted in deference to the demand of public opinion, trained by religion and prudence to recognise the obligation of the parent to provide for the education of his child. What was good before and what is better now the modern Scotch owe to the forecast of their Calvinistic and sagacious ancestors. The merits which have been ascribed to my countrymen, in a recent speech by a statesman, whose praise is sparingly bestowed, must be proved by the manner in which new prerogatives and new resources are employed. I am not, however, disposed to question the capacity of elective school boards under the advice and restraint of a central authority to regulate the distribution and determine the course of elementary instruction. The poor will support the privations which may be attached to the prolonged restriction of the labour power of the family; the imposition of a rate which strikes a humble class of occupiers may not excite any lasting discontents or resentments; and the proprietors of land may find, in the transfer of a portion of their burden to new shoulders, the motion and the means for continuing in other forms the spontaneous co-operation in educational work which the present law is not designed to arrest or exclude. It cannot be expected that all in the outset will be serenity and concord; but on deliberation the people of Scotland will probably recognise in the new measure a well-considered instrument for giving stimulus and expansion to elementary and middle-class instruction. If I had to indicate a defect in the Act, I would say that it is not flexible enough to meet exceptional wants; that it does not provide facilities which correspond entirely to the obligations which it imposes. A law which prescribes attendance on the part of all should supply teaching accessible to all; but I fail to discover any machinery by which the scattered inhabitants of an inclement and neglected region could be appropriately reached. There are districts in Scotland where the schoolmaster should be a missionary; where the teacher should rather be deputed to the learners, than the learners convoked to the teacher. I should like to see some organized agency of pupil-teachers acting under the authority of school boards, empowered to undertake tours of instruction in the winter months, giving lessons alternately at several

stations, to which small groups of children could be gathered. The amount of physical exertion now incumbent on children of very tender age in the wilder districts must act unfavourably on the regularity of attendance and the faculty of learning. It may even have a deteriorating influence on physical health. But whatever may be the partial shortcomings of the Scotch Act, it certainly stands alone in this country as an embodiment of educational provisions for the lower and middle orders. Nothing of this nature has been adopted before in the United Kingdom, and probably nothing better is in force in the British colonies. Nor will the exercise of the Scotch Act be without some influence on the contemporaneous working of the English law; for Scotland, starting from a more advanced position, may offer examples to England in elementary education, as England does to the smaller and poorer country in the cultivation of the higher and more refined branches of learning.

The Report of the Committee of the Privy Council on Education, issued in the month of July last, possesses peculiar interest, as it contains some important statements respecting the progress made in the application of the provisions of the Act for elementary education, and some valuable indications in the reports by Her Majesty's inspectors of the disposition with which the provisions of the Act and of the new code are being received in various parts of the country by denominational agencies. Regarding the physiognomy and working of the elementary schools constituted under the authority of the school boards, there is as yet little or nothing.

The leading facts are no doubt familiar to those whom I have the honour to address, but they are worthy of recapitulation on an occasion of this nature, for they contain so much that may give legitimate satisfaction to this Association and to the whole country.

School boards had been formed in school districts containing 9,741,667 persons, including the metropolis.

Bye-laws prescribing compulsory attendance had been adopted in school districts containing 8,140,657.

A population of 12,992,444 souls still inhabited school districts without school boards, the educational condition of which had, however, been thoroughly investigated by the Educational Department.

The department was actively engaged in preparing and issuing the notices contemplated by the Act, under which proved educational deficiencies must be made good by the compulsory election of school boards in the absence of commensurate spontaneous efforts for the same purpose.

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EDWIN PEARS.

January, 1873.

MECHANICS' LIBRARY ASSOCIATION
SAN FRANCISCO, CAL.

Opening Address

BY

THE RIGHT HON. LORD NAPIER AND ETTRICK, K.T.

PRESIDENT OF THE ASSOCIATION.

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a superior religion, before which theology is dumb—the religion of doing good. In this at least I can speak with some authority. The accidents of life have brought me into connection with the servants of God and humanity of every colour, from the agent of the London Mission to the Jesuit father, and from the Zenana teacher to the cloistered votary of "Mary the Repairer." I have found them all serving the same cause essentially with the same fervour, and not always as unlike each other as they imagine. What we need is to preserve enthusiasm and to increase charity.

The necessity of friendly concert between the different educational agencies and the school boards must be evident, with a view to the instability which would be introduced into the habits of both teachers and pupils by the competition of schools in close proximity. Some uniformity of hours, fees, and emoluments must be introduced, and a careful respect should be paid to appropriated areas, or we shall see the multiplication of jealousies and offences which have already occurred. A board which induces an able teacher to leave a national school may make an acquisition valuable to a locality, but at a heavy cost to the whole community, if by that single act they perpetuate animosities which it is our true policy to assuage. The secular inspector will probably be found a benevolent intermediary between the denominational and official agencies for education.

While the Education Act for Scotland is compact and conclusive, and may be expected to supply the wants of that country, unaltered in its essential provisions for a length of time, the Public Health Act has no character of finality or completeness. It does, however, in one respect, merit the grateful recognition of this Association, which is so deeply concerned for the sanitary condition of the empire. The Public Health Act constitutes sanitary districts, urban and rural, conterminous with existing areas for other purposes, over the whole extent of England, and appoints or recognises authorities for the regulation of sanitary interests in those districts. Extensive powers are vested in the Board of Local Government for the amalgamation of sanitary districts, and for their transfer from one category to another. Under these provisions, by the action of the Local Government Board, the whole of the kingdom may be hereafter formed into groups possessing the description of authorities most fitted to deal with their respective necessities, provided with ample powers to contract loans for sanitary works, and furnished with competent professional advice. Here, however, the benefits of the new Act are arrested. If we go farther and examine the powers of administration, and the action com-

mitted to the sanitary authorities, we are at once involved in obscurity and confusion.

The new sanitary authorities, urban and rural, are invested with all the prerogatives conveyed to various antecedent local bodies, incorporated or endowed with powers for sanitary improvements by numerous Acts of Parliament; but these Acts are complicated, and even, it is alleged, contradictory in their tenor; nor is the ability for good conferred by any Act fully commensurate with the requirements of the time. The Bill has given machinery, but it has not given faculties of operation sufficiently categorical, distinct, and extensive. Without a consolidating enactment by which the previous sanitary laws shall be harmonized and defined, the sanitary authorities will not be able to move with energy, and the discussion of such an Act will afford an opportunity for claiming a wider field of duty.

I need not say how closely the question of sanitary legislation is connected with local taxation, a subject which will be taken up by Government in the ensuing session in a comprehensive form, and which has therefore been justly set down as a matter for special discussion in the Department of Economy and Trade.

With the Education Acts for England and Scotland, and the Public Health Act before us, we cannot doubt that an impulse has been given to educational and sanitary work which must be progressive, and happily this progress will be conducted in the main with the concurrence and assistance of every party and class in the nation, however much parties and classes may still differ about forms and means. In both departments the ground is cleared and the basis of the edifice is laid.

Under these circumstances, in my humble judgment, the question which beyond all others deserves our sustained and dispassionate consideration and action is the question of real property viewed in its political and social aspects. On this subject the opinion of the country is less matured, and the deliberations of the Association, the writings which it may prompt, and the discussions which it may raise, can be of vital use in leading the public mind to just, moderate, and acceptable conclusions. The distribution of property is the feature in our laws and customs which presents the greatest apparent hardship, which arouses the keenest sense of injustice, which affords the readiest materials for misrepresentation, and which discovers the most dangerous inconsistency between our political institutions and our social condition.

In endeavouring to place the question before you in its simplest outlines, I shall be unavoidably involved in the

utterance of opinions which to many are commonplaces, and in the repetition of facts which to most are notorious. But it is not indifferent that this should be done. Mere reiteration is a powerful agent in the creation of prevailing beliefs, and public conviction can no more be formed by one argument than a horseshoe can be forged by one blow.

With reference to real property let it then never be forgotten for one moment that Great Britain stands apart and alone in the civilized world. In other respects our institutions, compared with those of foreign countries, exhibit that sort of divergence which may be likened to the various elements of colour in a diversified but not inharmonious pattern. In regard to property, there is a contrast which arrests and offends the eye.

Permit me to present once more in a few rapid strokes the familiar features of the case. In Great Britain real property is transferred and transmitted under laws, customs, and influences which all combine with irresistible, increasing power to produce consolidation. Primogeniture, entail, traditional predilections, the exigencies of fashion and recreation, the accumulation of capital, are working incessantly together to promote great aggregations of land in the hands of a few. The statistics of landed property have not yet been verified with any accuracy, but it would be hazardous to estimate the number of estates above the dimensions of a garden or a paddock at more than 100,000 in a country which numbers more than 26,000,000 of inhabitants, and there are but few counteracting agencies at work to mitigate the perilous progression towards monopoly. It may be broadly asserted that in no country does so large a proportion of the population live in lodgings as in Great Britain, or in separate habitations as tenants at will; in no country do so many live on the land of others without a lease or with a terminable tenure; in no country are the prerogatives and delights of property vested in such a restricted number. The proportion of those who possess to those who possess nothing is probably smaller in some parts of England at this time than it ever was in any settled community, except in some of the republics of antiquity, where the business of mechanical industry was delegated to slaves.

France, Germany, Italy, Russia, Switzerland, the United States, the British Colonies, all the countries which count for something in the world, which propagate ideas, or offer examples, or present points for comparison, which fascinate by their past or which possess the promise of an expansive future, all have committed acts or adopted principles and measures

which conduct them on a path directly opposed to that on which the destinies of England are still impelled.

In France political confiscation founded, and the compulsory partition of land on succession has accelerated, the division of property to such an extent that the number of estates is almost equal to the number of families engaged in agricultural pursuits.

In Germany a revolution of the same nature, though not of the same magnitude, has been effected in a more regular manner. The benefits of landed property have been imparted progressively to a numerous and prosperous class of cultivators by the abolition of feudal superiorities, by the restriction of entails and special destinations of land, by the deliberate division of estates between the landlord and the occupier on a basis, if not always equitable to the former, at least patriotic in its motives and happy in its results, and by the operation of rules of succession reproducing in some instances the primitive laws of the country, and in others adopting, with various modifications, the maxims of the French code.

The principles of partible succession in a temperate form, the confiscation and sale of Church lands, and in some degree the forcible dismemberment of feudal estates, alleged to be subject to communal rights, have been the agencies by which Italy has moved in harmony in this matter with the other Continental States. Partly owing to the fact that the repartition of property is most common in the least productive districts, and partly owing to the vicious or exacting systems of tenancy practised in the more favoured provinces, it would appear that the rural population of the Italian kingdom have felt neither the benefits attached to a small or to a great proprietary.

The original laws of Russia promoted the division of the property of the land in the limits of a privileged order, and the usages of the country fostered a communistic method of repartition and culture in the portion of the soil appropriated to the village community which was held to labour, attached to the glebe, and subject to the personal authority of the lord.

The writings of Mr. Michell and of other economists have made us acquainted with the history and character of that memorable instrument by which the Emperor of Russia has endeavoured to fulfil a vast and complex task, to liberate the Russian serf class from the personal authority of the nobleman, to invest them with property in the soil, to indemnify the landlord for the prejudice caused to his material interests, and to give stability to population, production, and the revenue of the State, by perpetuating the bonds and obligations of the village as a unit of rural life. Twelve years have now elapsed

since I had the good fortune to be a witness at St. Petersburg of the promulgation of the Act of Emancipation and Endowment, and, notwithstanding the disenchantments which are ever ready to follow in the track of philanthropy, the scene still remains the greatest recollection of my life, an impression that can never be repeated and can never be forgotten. There was for once no formal ceremonial of court or camp. In the Cathedral of St. Isaac, from the sacred lips of the Metropolitan, to a rude and humble multitude hushed in breathless expectation, the imperial message came which carried liberty to all and land to all who would work to earn it. Enslaved and disinherited the crowd went in, a few simple words were uttered by an aged priest, the people melted quietly away into the wintry air, transformed, it seemed, as far as laws could alter men; no one shouted, no one spoke, but they lingered in the shadow of the church as if unwilling to depart from a spot where so bright a promise had descended. That moment gave a legal and lasting interest in the land of Russia to 50,000,000 of its inhabitants; directly to some, indirectly and inferentially to others. That the gift has been deeply marred by the conditions there is little doubt. The Act of Emancipation is not exempt from the infirmities which belong in other countries to the best efforts of legislation. It reflects the errors of its authors, the necessities of Government, the prepossessions of the nation and the time. Immersed in ignorance, subject to the prescriptions of a venerable superstition, encompassed by the hardships of nature and the seductions of a predominant vice, the mass of the Russian people will emerge laboriously from the second thraldom of the village and the State, but the path on which they have been placed must inevitably conduct them to the full exercise of individual liberty, and the full enjoyment of individual property.

In Switzerland the land has long been the inheritance of the people. The testamentary freedom of the proprietor is limited by positive prescriptions of law differing in the several cantons. The custom of the country, and the character of the political institutions, favour an equal division in most.

The United States, and all the communities founded by English enterprise in various quarters of the globe, have adopted the principles of free testamentary power and equal division in case of intestacy. The policy of Government in those countries is to stimulate immigration; to fill and till the national domain; to afford to labour with all possible expedition its best reward in the shape of land; to reconcile the widest exercise of equal political rights with public order, by giving to every citizen something that he will value and something than he can lose.

In India, where England has assumed such a weighty charge in guarding the welfare and directing the destinies of mankind, no attempt has ever been made to propagate or accredit the principles of the English law of inheritance, and no tendency is now discovered to reproduce the features of our social condition, of which that law is the powerful associate. The Hindu and Muasulman laws are alike favourable, though in different ways, to the division of inheritances; and in all the vicissitudes of sovereignty, the humiliations of conquest, the exactions of Government, and the ravages of anarchy which the people have endured, they have, in one form or another, preserved the refuge, consolation, and strength of a positive or customary interest in the soil. Some variety of village or personal tenure has still survived, however attenuated by accident or policy. This is often the single redeeming point in the distressing annals of the Indian races; and much that is most respectable and most pleasing in the manners and morals of the Hindus appears to me to be attached to this capital safeguard of social life. In Southern India, where the tenure of land is most favourable to the diffusion of real property among the labouring poor, and where the restraints of caste are still unbroken, I have observed the ryot class in famine and in plenty; I have conversed with them on the road; I have collected them in the porch of the cottage, in the verandah of the official cutcherry, under the eaves of the missionary's dwelling; I have met them in their schools and their festivals, and I have everywhere recognised in their demeanour something of that dignity and self-respect which belong to a firm position, to the possession of rights, and especially to the possession of property. The attitude of the English Government in matters of land tenure and land revenue has been influenced at different times by the political sentiments and economical theories preponderant at home. Our policy has now probably taken a permanent shape. It is one marked equally by justice, prudence, and benevolence. The Government respects the guaranteed rights of the landlord, or zemindar, however inconvenient they may be in regard to the fiscal interests of the State; they decline, in reference to occupiers under other tenures, to allow an irrevocable alienation of the undisputed right of the State to a share in the increased value of the produce of the soil, not created by the capital or labour of the cultivator; but there is an unquestionable inclination to recognise and confirm a popular tenure in the land.

It would be easy, but it would be idle, to multiply examples from the legislation or the usage of foreign or dependent nations to prove with what strength and unanimity the dis-

position runs to impart the benefits of real property to the greatest number. I would ask you, then, whether it is possible that the policy of England can long follow a different or contrary direction? Is it possible that England, which has taken so large a part in the formation of the political and economical institutions and doctrines of other States, can exclude from her own social system the reaction and reciprocal influence exerted by those States in a matter of such engrossing interest? No reflecting mind surely can admit that such partial isolation can endure in the midst of general communion. The contagion of foreign example alone would be unavoidable and irresistible.

It would, however, be in the last degree imprudent and erroneous to place the expediency of social innovation chiefly on the ground of necessity. An alteration of the laws affecting real property, a movement towards its repartition and diffusion, must be advocated from motives of philanthropy and policy, and happily this is not difficult.

It will not be disputed that property is an important element in civilization and public order. The acquisition and preservation of real and personal property of material objects ministering to the wants and the enjoyments of life constitute the gratification of a natural instinct, and may be the source of many useful virtues. The possession, by the poor, of domestic furniture and of live stock alone inspires habits of carefulness, frugality, industry, and forethought. The position of a labouring family inhabiting a furnished lodging would be in every moral and social respect below the position of a similar family occupying an independent dwelling with their own furniture, their cow, their poultry, their pig, their garden and their grazing ground, even without any lease or security of tenure. If to the possession of perishable and transitory objects you add that of property of a more durable nature, such as land and houses, you must surely intensify all the good influences to which I have referred. The possession of the soil and the habitation ought, when associated with some culture and elevation of mind, to carry with it patriotism or devotion to the State; loyalty or attachment to the representative of sovereign power; independence, self-respect, respect for the rights of others. It should nourish and prolong the exercise of mutual duties and affections in the family, and sweeten life with many salutary recreations and pleasures.

If such are the benefits which should naturally be attached to the possession of property, especially in a community endowed with political franchises and having access to the advantages of education, how deep must be our concern, and how legitimate

our anxieties in witnessing the disabilities which a great proportion of our countrymen suffer in this respect, and how earnest should be our endeavours to help them to the enjoyment of property in its different forms by every means consistent with peace, with justice, with existing rights, and with the exercise of those qualities of self-denial and self-reliance, without which no substantial welfare can be founded in that numerous class of society of which labour is the inevitable portion. We must all recognise the want, we must all admit the duty. Unhappily, in searching for the means of action, it becomes at once apparent that there are many difficulties in the way which have not operated with the same force in other countries, in which the question has been already solved, or which are altogether peculiar to our condition. Among these impediments the following may be noted as the most conspicuous:

The extinction of all positive or traditional claims to a participation in the land-rights of the proprietor on the part of the occupiers and cultivators, leaving nothing but rights under contract where such exist;

The high value of land produced by the abundance of capital derived from the profits of manufactures and trade;

The immense amount of capital invested by the landlord, in Great Britain, in farm-buildings and permanent improvements, in connection with the existing groups or areas of cultivation;

The large amount of capital required for the cultivation of land and the maintenance of stock in a country where scientific culture is firmly established, and where that culture alone can raise production in any degree to a level with the requirements of the whole people, already so insufficiently supplied;

The power which the proprietors of land, and those who share their interests and convictions, possess, and justly possess, in the legislature and government of the country.

Bearing in mind these exceptional features in the social and political condition of our country, let us proceed to a consideration of the expedients which have been proposed or might be suggested for the correction of the evils and dangers attached to the excessive concentration of real property, with the view of ascertaining what can be adopted for present action, and what should be definitively or temporarily laid aside.

I confess that I cannot conceive a more serious responsibility than that which is connected with the agitation of schemes pointing to the intervention of the State for the purpose of assuming a general property in land, and reorganizing its distribution and culture on a communistic or co-operative basis.

These projects are obnoxious to the most formidable objections and dangers. They are purely speculative, for they have never been made the foundation of any project of land reform in any country; and they are absolutely revolutionary, for they could only be carried into effect by violence. But they are not only visionary and destructive; they have a positive tendency to arrest the operation of those benevolent and prudent agencies which can only work with full effect in the sunshine of confidence and tranquillity. What prospect would there be of any good being patiently and faithfully done, either by individual philanthropy or by the action of combined private enterprise, in the presence of such an alarming chimera as the universal intervention of the State? With what application or contentment would the working man co-operate with his practical protector and friend who can only promise him a humble return for persevering industry, while his imagination is disturbed by the dreams of a community or equality of material possessions? I can conceive nothing so fitted as the agitation of these projects to make the rich selfish and the poor unapproachable, to render those who ought to grant incapable of granting, and those who ought to receive incapable of receiving.

The gradual participation of the State in the future unearned increase in the rent of land, and the acquisition by the State of property in land from numerous sources, for the purpose of promoting co-operative agriculture, and the distribution of land among small holders, form the distinctive characteristics of the programme circulated by the Land Tenure Reform Association. These terms are presented as a minimum demand, or, perhaps, by way of an instalment to the landholder, and are accompanied by an apologetic appeal to those who aim at more radical results by more subversive methods. This scheme is alarming to those who possess, and unsatisfactory to those who do not possess. The claim of the State to a share in the unearned increment might be made a subtle instrument in attacking other rights of property besides those in land: the withdrawal of a portion of the profits of land, by special taxation, in consequence of their unaided expansion, would tend to arrest the application of capital to cultivation; it would indispose the large proprietor to many acts of unremunerative benevolence and improvement, to which he is now incited by the advantages which he enjoys; and it would impoverish the small proprietors whom it is desired to foster and multiply. The substitution of the State for the individual in the administration of interests in the land would not inspire much sympathy among Englishmen of any class; the wholesale absorption of land held in trust

for charitable endowments would be revolting to the public conscience, while the co-operative system in agriculture and the experimental repartition of small freeholds may be effected by other agencies besides those of the Government.

The compulsory but regulated transfer of property in land, or a portion of it, from the present landlord to the present occupier, with provisions for compensation and redemption, with or without the pecuniary intervention of the State, would be a project free from some of the defects or abuses incidental to the more speculative designs alluded to above. Such a project is sanctioned by precedents in other nations, and some approach has been made to it in the land legislation for Ireland. It could be carried out without any infraction of the interests of the proprietor, however arbitrary the constraint might be in regard to his inclinations, and the land would be exclusively conveyed, in the first instances, to a class conversant with its management and deeply concerned for development. I do not, however, think that England or Scotland are in any degree a proper theatre for the introduction of a measure of this nature; and I do not believe that if anything approaching to our social conditions had existed in Prussia in the year 1810, or in Russia in the year 1861, that the methods adopted respectively by those countries in the adjustment of the land question would ever have been contemplated.

It is to be remarked that in those States in which the emancipation of the land and its occupier has been accompanied by the creation of a new order of proprietors, the following features may, in a greater or less degree, be discovered:

The question to be adjusted was complicated on the side of the landlord by some claim of feudal superiority or jurisdiction over the cultivating class; and on the side of the cultivators by some positive or customary right in the land which they occupied and tilled. The relations of the lord to the village, the peasant-farmer, the vassal or the serf, was never the simple commercial relation of the English proprietor to the English tenant. The lord had in some respects greater powers, but in others the peasant had greater rights. It would have been repugnant to the general sentiment of justice, either in Prussia or in Russia, if the cultivating class had simply been converted into occupiers at will, without any stipulation for the homestead, or the peasant's field, or the right of pasturage, or the right of fuel.

The repartition of the land in Prussia and Russia did not extend to the whole of the estate. As a rule, it applied only to that portion which was held in usufruct by the cultivating

class, the domain of the lord, constituting an important portion of the whole, and cultivated directly for his benefit, being left in his possession. But nothing answering to the division of the estate exists in this country. On many estates the proprietor may retain, under his management, for the purposes of taste or experimental improvement, a park or a home farm, but these reservations form no appreciable portion of his profitable property. Compulsory transfer from the proprietor to the occupier would, in this country, be the transfer of the whole; while abroad, it was the transfer of a part; for one does not see how one farm could be transferred and another kept, or how farms could be divided into transferable and reservable fractions.

In ordaining the transfer of a portion of the land from the landlord to the cultivating class, the Governments of Prussia and Russia were prompted by motives which do not apply to the Government of this country at the present time. In Prussia there was a political purpose of the greatest urgency which determined the measure, and extenuated, if it did not completely justify, the severity with which the settlement fell upon the landlord. In Russia, the endowment of the serf was inseparably connected with his personal emancipation, for if he had been liberated without house and without field he would have been worse off than he was before. In England, the arguments which recommend the diffusion of real property are cogent, but they are not so cogent as to prescribe the absolute constraint of one class for the benefit of another. The farmer is not in the position of a cultivating peasant, with some undefinable tenure, nor is he a serf. He suffers no special wrong and requires no special remedy. He is for the most part a small, independent capitalist, the possessor of personal property of a character readily realizable, the citizen of a country where there are many ways of investing money besides the cultivation of land, and from which he can easily emigrate to other countries, where cultivation and property are identified.

The present class of farmers in England and Scotland do not demand or require the possession of land as a rule. It seems probable that the exercise of a right of expropriation and redemption on their part against the landlord would not be a profitable one, if the high value of land and the great interest possessed by the proprietor, in the form of farm-buildings, are considered. The savings of a farmer would be for the most part more profitably employed in the purchase of stocks or railway shares, or in taking another farm, than in the purchase of the proprietary right of his landlord, if the value of that right was fairly and fully assessed.

The transfer of the property in land from the proprietor to the occupier would not benefit the greater number, nor give property to those who need it most, nor satisfy those who fondly imagine that it is possible to give it equally to all. In Prussia and Russia, in providing the cultivating classes with land, the Government endowed the great mass of the people with property, for tillage was the occupation of the majority, and the occupiers of the land were in a great measure identified with the labourers; but in England the transfer of the farm in property to the tenant would be prejudicial to the interest of the agricultural labourer, and it would do nothing for the artisan. The labourer would be transferred from a richer and more benevolent, to a poorer and harder landlord.

The introduction of the French law of inheritance, the obligatory and equal partition of land on succession, would of course break down the present combinations of landed property. The process of pulverization would be rapid and complete, for the power of division would greatly overcome the power of capital in reconstructing new aggregations. But of all the expedients for decomposing great estates, obligatory repartition is the one which would find at present least support in the minds of Englishmen. The system is probably opposed to the instinctive preferences of the race. The Americans are Englishmen whose intelligence is not intimidated, and whose conduct is not controlled by many of those influences derived from tradition and authority which govern the beliefs and actions of the mother-country. From the course taken by the United States, we may often correctly interpret the bent which our nation will follow as they gradually escape, for good or evil, from the domination of the past. It is remarkable that in no part of that republic has the rule of compulsory division been incorporated with the laws of inheritance.

Nor can I imagine that the precipitate dissolution of the present farming areas in this country, which would quickly ensue upon an obligatory repartition of inheritances, would be effected without a great sacrifice and disturbance of capital and working power. Farm-buildings, machinery, roads, drains, and fences are adapted either to existing groups or capable of serving larger groups, for the tendency has been to consolidate rather than to divide. A sudden repartition would involve a double loss: the waste of what is already there, and the creation of much that is not wanted.

If the argument which I have submitted is well founded, if the question of real property cannot be advantageously approached in this country, either by the radical method of the

communists, or by the processes of the speculative economists tending to the same results, or by the expedients adopted in other conditions by Continental Governments acting in the interest of the people, with resolutionary or arbitrary power, we must after all fall back upon a class of measures less aspiring but which can be rendered acceptable to the agencies by which our affairs are directed, and profitable in time to the masses of our fellow countrymen whom we desire to serve.

These measures are to be found in the removal of laws which act as an impediment to the division and improvement of landed property, or as an instrument for its consolidation, in the institution of authorities and regulations by which the proprietor of land may be enabled and obliged to perform his duty by the land, and especially by the labouring poor settled upon it; and in the encouragement of private and commercial enterprise, in facilitating the acquisition of real property by the honest and industrious labourer and mechanic.

The laws which produce, or at least promote, the consolidation of land in this country, are best recognised by their common designation: the law of primogeniture and the law of entail. In what degree the law of primogeniture is at this moment practically and distinctively operative in preserving the existing aggregations of land, and preventing its repartition, is a question which might be a fair subject of debate. In the absence of any positive prescription conveying the land to the eldest son in case of intestacy, there would remain a powerful customary prepossession to transmit the land in the same way by testamentary disposition; and even in cases in which that prepossession was not acted upon, considerable power would be exercised by capital derived from the profits of trade, in arresting the division of land, and in reconsolidating it in new combinations. Making every allowance for the operation of these influences, it still appears to me that the abolition of the rights of primogeniture would be decidedly beneficial. Although the proprietor would in the majority of instances, and especially in the beginning of the new system, destine his landed estate to his eldest son, with a pecuniary provision in favour of the younger children, there would be a gradual tendency towards a different practice. Laws are the result of prevalent opinions, but the alteration of a law not only reveals a change of public sentiment, it also diffuses and accelerates the change. In the case of large properties, composed of scattered portions, and comprising several residences, the abolition of inheritance by primogeniture would prompt the disposal of subordinate estates to younger children by will, with one of two results; either the estate would

remain with the younger child, in which case it would have the benefit of residency and personal supervision, or it would be transferred by sale, in which case it would have the benefit of the outlay of capital which is commonly attached in this country to a change of ownership, and the benefit in many cases of residency too. Moreover, the abolition of the rights of primogeniture would probably in the long run more than counteract the consolidating faculty of capital, the influences producing division would vanquish the influences producing aggregation.

The faculty of entail is a powerful auxiliary to the law of primogeniture, in preventing the dissemination of landed property; and I do not know that there exists a single specious argument for maintaining a distinction between the destination of real and the destination of personal property, except this, that the permanent attachment of landed estates to particular families, with all the social advantages connected with this arrangement, is necessary in a country in which one of the branches of the Legislature has a hereditary character. The reply to this argument may be found in the following considerations: The law of entail, as it now exists, does not effectually prevent the alienation and burden of peerage estates. The freedom of testamentary power would enable peers to make sufficient provision for the independence and dignity of the head of the family. The removal of an artificial safeguard, complicated and imperfect in its character, would increase the sense of moral responsibility in the possessors of hereditary seats in the Legislature, and thus indirectly add respect and stability to the order. If, however, these arguments were not considered convincing, and if special provisions were deemed indispensable for families invested with legislative functions, there would be no difficulty whatever in attaching rights of primogeniture and powers of destination to particular families, and a character of indivisibility to particular estates. Provisions of that nature are familiar to the legislation of some of the German States. I do not advocate the adoption of such exceptional expedients. I do not think them necessary. They are only suggested, in order to show that a general wrong cannot be defended on the ground of a particular danger.

The abolition of the rights of primogeniture, and the restriction of the powers of distinction with reference to land, would increase the number of estates placed in circulation, and disseminate the benefits of landed property without any violent shock to existing interests and feelings. The process of subdivision would be slow, but it would be safe and progressive. Land

would be rendered more accessible to the smaller industrial capitalist, to the farmer, if he elected to acquire it, to associated capital engaged in the purchase, sub-division and resale of land, to the industrious artisan, to the labourer eventually. But an immediate and immense benefit would be felt in this respect, that the impression would be removed that a powerful interest in the country is supported by indirect means and factitious contrivances, and that other classes are debarred from social advantages by partial legislation, or for want of legislation, founded in generous and unselfish principles.

If we turn from the consideration of the power exerted by primogeniture and entail in consolidating land, to contemplate the effect of those laws on the social constitution of the labouring classes, it must, I think, be admitted that the mere size of estates in which primogeniture is chiefly operative has no pernicious results. On the contrary, the greatest estates are often the best ordered. It is rather the law of entail which acts as a bar to social amelioration. In discussing this question we must be careful to avoid extreme and indiscriminate assertions. The condition of life ownership has not always and everywhere prevented the development of cultivation, the improvement of farm-buildings, or the reconstruction of the habitations of the poor. If I were to conduct any gentleman whom I have the honour to address through the south of Scotland, that part of the kingdom to which I am least a stranger, he would find it difficult to discriminate from the aspect of the fields, the state of the fences, or the quality of the buildings between the land which is free and the land which is bound. He might be shown estates under strict destinations, where every habitation has been rebuilt in a single generation by the intelligence, philanthropy, and taste of a life landlord; and he might be shown lands purchased as an investment, in which improvements of this nature have been restricted to a bare commercial necessity. Or he might see an entailed estate which is a model of order, lying contiguous to one which is a picture of social desolation and neglect. There have been on entailed estates many causes at work which have tempered the mischief which naturally belongs to the practice of entail. The development of mineral industry has in many cases enriched the life proprietor; the State and the loan societies have come to his assistance. Influences of a moral nature have been powerful auxiliaries in the same direction. The life proprietor is still moved by duty, by self-respect, by traditional affection, by emulation, to make great pecuniary sacrifices in advancing the moral and material condition of those by whom he is sur-

rounded. To do this sort of good is even a selfish pleasure. The spectacle of disorder and decay is revolting, and the habitations of the poor are the furniture of the estate. The stability of personal and family relations which is attached to the power of entail, may even in some cases inspire greater efforts of an unremunerative kind, than would be made by a proprietor who cannot transmit his possession with security to his posterity. There are men who would do more for an unborn descendant than for an unknown purchaser. I believe, however, that examples of extensive disinterested ameliorations on entailed estates will generally be found in the case of the very large proprietor, who is so fortunate as to unite a good heart and healthy cultivated tastes with a political and social position of the first order. It cannot be denied that among life proprietors of the middle or smaller class, to whom no accessory source of fortune has been opened, who are burdened with transmitted charges, and who have the obligation of increasing them, there is a painful struggle to maintain the decencies of an inherited position, and to fulfil the duties which are attached to the possession of land under all conditions. Life landlords of this sort find it difficult to burden an incommensurate rental with the heavy deductions rendered necessary by the high interest payable on redeemable loans for the execution of improvements, of which they recognise the pressing importance, but which are not directly reproductive. On land held thus, and there is much of it, the fetters of entail lie very heavily; and I do not see how any commensurate remedy can be devised unless those fetters be struck off. No doubt some palliatives might be contrived in connection with the expedients introduced during the last thirty years for the partial emancipation of the life landlord. The terms on which money can be borrowed on entailed estates might be rendered more easy, and the purposes for which it can be borrowed might be enlarged; but I cannot regard proposals of this sort in any other light than as a feeble struggle for the prolongation of a system which is doomed to early and inevitable extinction. If the full productive faculties of the land are to be called forth, if full justice is to be done to the material and moral requirements of the working classes, whether agricultural or industrial, the entail of land should be absolutely prohibited in future, and existing life proprietors should be empowered to obtain funds for improvements, both by the sale of a portion of the estate, and by contracting loans, without provisions for reimbursement, under the sanction of the Inclosure Commissioners, or some other competent authority acting under liberal impulses and instructions. When every artificial obstacle to the reparti-

tion and improvement of land has been removed—when every proprietor has been granted, with a just reservation of the rights of others, the largest share of power to do his duty by the land and his dependents—the question may be fairly agitated as to how far the State may properly step in to enforce the performance of such duties by the proprietor, or to assume that performance in the case of obstinate neglect.

After making a liberal recognition of what the proprietors of land have done in the way of sanitary and moralizing work in this country, the truth is written far and wide upon the face of the land that much more lies undone. The reports of the Commission appointed to inquire into the employment of children, young persons and women, in agriculture, are the true mirror of the condition of the labouring classes depending on the land. There we can see how the labourer lives, what he learns, how he works and struggles, sometimes starves, and mostly ends; not in the kindly shadow of the hall, not on the pleasant verge of the garden, the park or the home farm, but over the common surface of the soil, out of sight and partly out of mind. Nothing is disclosed in stronger colours in those reports than this, that the dwellings of the rural population urgently demand a very general reconstruction. It would be hazardous to assert in the face of those statements that more than two-thirds of the existing habitations are satisfactory or susceptible of improvement and enlargement. The last census report for Scotland tells the same story and supplies some statistical details. One-third of the population live in tenements comprising one room only, another third live in houses with two rooms; one-eighth only possess dwellings with three rooms. There is little distinction between the scale of lodging for the industrial and for the agricultural classes. As far as rooms are concerned, dwellers in towns are provided in the same way as dwellers in the country. A comparison of the reports concerning England with those concerning Scotland lead me to believe that with reference to house room the two peoples are now much alike. If a minimum of one-third of the agricultural homes of Great Britain require to be rebuilt, you have something like a measure of our great necessity on the rural side. It is a matter of building seven hundred thousand cottages at a cost of seventy million sterling.

In regarding the work that lies before us, two things strike me as certain. The work cannot be done in any considerable measure by the labourers, and it must be barren of all direct remuneration to the landlord.

The agricultural reports are decidedly adverse to the old-

fashioned freehold cottage. Give the labourer a patch of soil for himself or let him take it; he will raise a hovel which will too often become a scene of over-crowding, dilapidation, slovenliness, and every sanitary abuse. Build the labourer a substantial and wholesome habitation with a garden and pasture allotment, and let him become the proprietor of the place by a course of industry and self-denial, there is a prospect that it will be kept with decency and pride. The man cannot make the house, the house will make the man.

I have seen various projects and estimates to prove that cottage building may become a good investment, but reason and experience convince me of the contrary, as far as the landlord is concerned. The rural population are not too few for their work. They are in some places too numerous. We do not want more men and additional cottages, but better men and better cottages. The proprietor cannot gain by multiplying the dwellings of the poor, except at the cost of another proprietor; and at the best the rent will scarcely do more than cover the repairs. As a rule, the landlord can only create good dwellings as substitutes for bad ones. Nor can he charge a higher rent for a good dwelling than he does for a bad one. The labourer is highly rented; sometimes rack-rented already. A new house will usually be found more expensive than an old one. It requires more fire and more furniture. The rents now paid should in many cases be reduced, if the labourer is to be settled in a more spacious and better divided dwelling, and if he is at the same time to withdraw his children from field labour and pay for their elementary education. Indirectly, I concede that the landlord may obtain some compensation for his outlay. The reconstruction of cottages, when pursued on a comprehensive plan, will be accompanied by redistribution; the habitation of a labourer will be placed advisedly: he will be fixed nearer his work; the labour supply will be rendered more convenient and more regular; the hours of labour may be better assorted; and the strength of the labourer will be economized for remunerative exertion. The general improvement which may thus be effected in the working capacity of a farm may give it some increased value in the market. On the whole, however, the reconstruction of cottages by the landlord, with a due regard to moral and sanitary requirements, will be a work of love and pride, not a work of profit.

Rural cottages fall into two groups. Those which are associated with the current cultivation of the farm, and are destined to be habitations of farm-servants, and those which are intended to be the dwellings of unattached working men employed on

roads, public works, agricultural improvements, or in handicrafts and trades. The first class must be built by the landlord, and must remain his property. The second class need not necessarily be built by the landlord, and might, in my humble judgment, even when the landlord undertakes the first outlay, be subsequently converted into labourers' freeholds with manifest advantage. In the reports recently submitted to Parliament on the operation of building societies, I do not find to what extent they have spread to purely rural districts. I conceive, however, that it would be much in the interest of proprietors of land to encourage the introduction of these agencies by becoming shareholders, by recommending them to the labouring classes, and by providing them with freehold sites on beneficial terms, with careful provisions, however, as to the quality of the structures to be erected. The landlord would thus be eventually relieved of the obligation to keep up superannuated and unremunerative buildings; the labourer would pay his rent with the hope of becoming a proprietor; the right of suffrage would be exercised with more independence and reflection; the child would be attached to the parent by a prospect of succession, and a home and a fireside would be substituted for a bed in the workhouse at the end of the perspective.

The intelligence and conscience of the country having been aroused in this question, I think that we possess powerful guarantees for the reform of those social evils which are connected with the habitations of the rural poor, and even for the creation hereafter, under better auspices, of an order of labouring men holding a share of real property; but as in all classes there are individuals who are not accessible to the instigations of honour and duty, it may be desirable to examine the question of State interference. The question is a delicate one, and I would rather refer it to your consideration than hazard opinions myself.

Speaking, however, in a suggestive spirit, I consider that great results may be expected from inspections and reports. These should be frequent, particular, and personal. The official indication of individual neglects, which in the present state of the law would be invidious and cruel, would become, under other circumstances, legitimate, and it would be in most cases irresistible.

The sanitary authorities of the rural districts should be invested with the most ample prerogatives for the regulation of the character of the habitations within their jurisdiction. They should have absolute power to declare any building unfit for human habitation on the report of the Government inspec-

tor, and to order it to be closed or removed after reasonable warning. No new building should be erected until the site and the plan had been submitted to the sanitary authorities for a time, so that objections might be taken on public or private grounds.

The sanitary authorities of the district might, on the report of the Government inspector, and with the sanction of the board of local government, exercise a limited power of expropriation against proprietors of land where an invincible repugnance was discovered to rebuild rural habitations in sufficient numbers and in appropriate situations. In such cases the sanitary authorities might be empowered to contract loans for the construction of labourers' dwellings on the sites thus obtained, or to enter into contracts with building societies for the same purpose, laying, if necessary, especial rate upon the property in fault.

The rights of property must always be subject to limitation and constraint, the degree and direction of which will be determined by public expediency, and land having the greatest share of common interest is most exposed to the exercise of State interference. The condition of the land cannot cease for one moment to affect the welfare and enjoyment of the whole people, for it contains all the first elements of salubrity, sustenance, and productive power; in the use of the land we find our best recreations and remedies; in the view of the land, a cheap and universal pleasure. Morally, it is no more incumbent on the landholder to do good and to prevent evil, than it is on the fundholder; but his duty is more apparent, his powers are larger, and his obligations are more easily enforced. Nor can it be said that these liabilities are without compensations, for if the omissions and the wrongs of which the landholder is guilty cannot be concealed, and must be corrected, his good works are conspicuous, popular, fruitful, and enduring.

I regret that I have not been able in the limits of this address to refer to the introduction of the co-operative principle in the cultivation of the soil, or to the acquisition of real property by the artisans and workers in factories resident in towns. The emancipation of the land from its present trammels is, however, a desirable preliminary to the former, and would prove a valuable aid to the latter. The Parliamentary report on building societies contains a vast mass of information, in a rather undigested shape, upon the effects of association in various forms in enabling the working classes to become possessors of new dwellings. The happy innovation which is thus being carried out in many districts is, perhaps, scarcely appreciated by the public. It appears

to me that by these agencies, aided by improved legislation, the force of public opinion, the enlarged authority of municipal bodies, and the facilities of modern locomotion, the benefits of real property may at no distant date be made as open to the English mechanic as they are to the same class in any part of Europe, except perhaps among the artisans in Germany and Switzerland, who are engaged in cottage industries, or in rural factories, provided with water power. In the extension of this useful movement, it is, however, of the greatest moment that the urban sanitary authorities should be furnished with powers of control, expropriation, and direct action, commensurate with those which I have suggested for the rural districts.

In reviewing the means and facilities which can be supplied to the labouring classes of our fellow-countrymen for the attainment of a larger share in the benefits of real property, the impression still remains that the transformation must be difficult, prolonged, and incomplete. Nature, in depositing the materials for an unrivalled mechanical industry in our country, has probably pronounced a sentence of disqualification against a portion of the people; but this condemnation, which affects the whole, does not affect the individual. The land in England is limited in extent, and while our manufacturing prosperity lasts, will be difficult of acquisition; but there are other Englands, which it requires no unusual share of knowledge, enterprise, or wealth to reach. It is speculatively possible for every Englishman, who desires to combine property with labour, and who finds it hard to do so here, to pass into other communities of the same blood and language, with congenial institutions, and with physical conditions of climate and soil not greatly differing from our own. Every year will diminish the practical obstacles on this side, and the incentives are still increasing on the other. No view of the land question in England is ingenuous or comprehensive which does not take account of emigration, which does not recognise the fact that the English people have an outlying, but accessible domain, where property can be long made common to all; and could, if that were preferred, be used in common by any number. It is the more necessary to insist on this, as so much stress is laid on the quality of limitation in land by those who advocate the restriction or exclusion of proprietary rights in this particular.

Gentlemen, if my predecessors in this chair have deemed it necessary or becoming to confess a sense of their incapacity for an office so conspicuous and difficult, how much more is it incumbent on me to make the same avowal. Trained in early life in the employments of diplomacy, which as then practised

had little direct regard to the inquiries in which you are engaged, and called in later years to administer a distant dependency, where the ancient condition and relations of men have scarcely been disturbed by the innovations of the social reformer, I feel my temerity in assuming a position of prominence in this assembly. But the invitation which I have obeyed was based upon the impression that the Government in India over which I lately presided had been animated by the idea which it is your function to propagate and direct, that in the limits of their financial capacity they had done something to combat the indigenous forms of famine, disease, ignorance, and crime. It was a recognition of services to humanity which I did not think it would be grateful or becoming to decline. I must now ask you to complete the measure of your kindness, by enlisting me hereafter as a fellow-worker, and by excusing my deficiencies as a President.

Address

BY

SIR JOHN DUKE COLERIDGE, Q.C., M.P.,

ON

JURISPRUDENCE AND AMENDMENT OF THE LAW.

ON taking the chair of this section—an honour which I owe to the fact of my filling for a time the office of Attorney-General—it is proper, and you will expect, that I should address to you a few words by way of opening. And my subject has been, I will not say dictated, but suggested to me by those who asked me to take the chair. I was asked at the same time to address you upon Law Reform—a subject indeed of vast extent and great complication, one in which some persons take a keen and intelligent interest, in which many more profess to take an interest without knowing anything about it but the name, and which, if newspaper criticism is correct, I am the very last man in England to handle. A lethargic amateur, knowing nothing about the law, and if possible, caring less, altogether wanting in breadth of view and manliness of mind, perfectly satisfied with everything as it exists, and the indolent but inveterate foe of all improvements; such is the flattering portrait drawn by candid and philosophical criticism of the chairman of this section of the Social Science Congress of 1872. It is very seldom worth the trouble to attempt a personal controversy. It certainly is not worth the trouble now. But even if it were, this is not the occasion for it, nor are you the persons to inflict it on. I propose, therefore, as I have been asked to do so, simply to lay before you some of the notions on this subject which have been in my mind for many years, careful only that the opinions shall be real, grounded on reasons which can be stated, and capable of being practically enforced.

With some exceptions (remarkable because they are exceptions) the English law, like the English people, is unscientific. It does not bear the impress of one age or of one set of minds, still less is it the creature of a single great act of legislation. This is not said in praise, either of the law or of the people of this country. It is too much the fashion to boast, with a good deal of self-sufficiency, of the practical character of Englishmen, and their impatience of system, of accuracy, of science, as if in themselves praiseworthy and excellent. It is a bad fashion; the cause of much slovenly legislation, and of the toleration of much eccentric barbarism in our laws and customs. So it is, however, and the practical statesman, in considering questions of Law Reform, which can only be dealt with by the general assent of his countrymen, has to take note of and allow for the peculiarities of his countrymen's character. If things work fairly well, and result in no great or widely-felt grievance, nine Englishmen out of ten will be for our leaving them alone. There are, however, many things in law which do not work well, and do result in great and diffusive grievances, and these surely may be handled at once with good hope of success. Such a subject is the law relating to Juries. A good system of Juries is of infinite importance; our present law works very badly, and occasions a large amount of unjust, oppressive, and entirely needless inconvenience. It is a subject entangled with a multitude of details, and difficult to deal with. But I invite your attention to the Bill upon this subject, drawn by Mr. Erle, who has a thorough practical knowledge of the matter, which it became my duty to endeavour to pass through Parliament this year, as an example of the manner in which I conceive it to be practicable and right to reform the law where it is faulty. If the Bill ever passes (and if I hold office, I shall try earnestly that it shall), it will contain the whole law of Juries, and will introduce certainly very large, and I hope very useful, alterations into one of the most important of all our institutions. To apply remedies to those things which experience has shown to work injustice is no doubt far less showy, but I think it is far more real, than to attempt reconstruction from the very foundation of our judicial system; for which, as it exists, much is to be said, which has great positive advantages, and which I firmly believe, with certain obvious modifications, presently to be pointed out, may be made to do the work of the country to the reasonable satisfaction of reasonable men.

A number of like examples lie ready to our hand; but to remark upon them in detail would be tedious and desultory

work: and as I do not deny, as, on the contrary, I strenuously maintain, the interest and value in themselves of larger and wider schemes of Law Reform (so only their scope be limited by practical sense, and their importance be not exaggerated, nor their attendant difficulties passed over, by unreasoning impatience), I will endeavour clearly to ascertain what in these things is desirable and what is practicable, and to show why I think that much which is theoretically desirable is not within the view of the practical legislator, guiding himself, as he must, by probability, and assuming that the state of public feeling remains much the same as we see it now.

In speaking of Law Reform, we speak of that which has to do with two things perfectly distinct and separate from each other, not only in idea, but in fact; each, it is true, needing amendment, each in one view independent of, but in another view most intimately united with, the other. I mean the Law itself, and the Procedure by which the Law is administered. Both may be improved; but the last, Procedure, is the handmaid of the first, Law, and depends upon it. Both are important, but speaking generally, and in spite of Pope's famous line, the first is far more important than the last. To my mind it is clear that you waste your time upon Procedure if you have not clearly before your mind what the Law should be, and what changes of principle, if any, you mean to make in it. No doubt you may make a bad law more endurable by administering it well, but if you have any reasonable hope of changing the law itself, and altering it for the better, this is the first step in the law reformer's journey. It seems plain common sense to settle the material on which the workman is to be employed before you lay down rules for working.

Take, for example, the fusion of our two systems of law and equity; a thing, in my opinion, which is absolutely certain one day to be done. To have two sets of courts existing side by side, one main function of one set being to prevent the injustice which would result from the judgments of the other set, is in idea barbaric, and in practice highly inconvenient. But till you have settled, first, that law and equity shall be united, and next, at least the leading terms of union, how can you possibly tell what courts will be wanted, or by what rule of procedure the courts shall be governed? It must be remembered always that the things themselves, which we call law and equity, and the rights and liabilities arising out of them, are inherently distinct. The distinction is in the nature of things, and has not been created nor can be abolished by Act of Parliament. The courts which now respectively administer them

have systems of procedure adapted, or intended to be adapted, to their respective jurisdictions. But if an entirely new system of law is to be evoked by legislation from the union of the two, the procedure by which it is to be administered will require the most careful framing. The principles, at least, of the new system must be determined and expressed in something like a code, or I venture to say that a confusion will follow, profitable to no one but to practising lawyers, and discreditable to a great country, which will leave the meaning of its law to be ascertained at the expense of suitors, instead of taking the trouble to have it clearly expressed by statute, or by rules to be sanctioned by parliamentary authority.

So much I think a very little consideration will show to be essential; but I see no reason for so far limiting our desires when a greater object is, I believe, attainable. I have often said, and I have been laughed to scorn for saying it, but I here deliberately repeat, that there is no reason why the law of England should not be expressed in a Code. I have never been able to recognise the force of the common objections to it. It would not undoubtedly put an end to litigation, nor prevent bad and conflicting decisions; it would not be an easy matter, and when done would be open to objections; but there is no difficulty inherent in the nature of English law, none which great and able lawyers might not well overcome; and the objections are too often only the expression of a prejudice in favour of the existing state of the law, or of an indolent disinclination to grapple with the difficulties of the work. That we shall have it some day I do not doubt; that we shall wonder we never had it before is almost equally of course; that we might have done something really effective towards it at this moment I am fully convinced, if we had spent upon a Code the money, the time, and the labour which have been comparatively thrown away in ineffectual attempts to make a Digest.

A Digest of English law, though if we could have a good one it would be a great convenience to the practitioner, would be of very little service to the country, and would be the wonder of the jurist. In general, with a few magnificent exceptions, of whom Lord Mansfield is the greatest, English judges having had to administer a system of unwritten law, except where it has been modified or created by statute, have brought to the task an almost superstitious reverence for decisions, and a determination to follow out a legal principle to its logical consequences, utterly regardless too often of moral and practical absurdities therefrom resulting. It follows that to all men not

lawyers, and to most men that are, there is a multitude of decisions utterly worthless, to say the best of them, which, for the credit of the law, had best be passed by and forgotten. It is of melancholy interest sometimes to trace the ingenuity with which Courts and Judges have striven to evade the authority of a bad or unjust decision without in terms questioning its authority. The books are full of ingenious evasions, of subtle logical deductions from data, perhaps in themselves sound and sensible enough, but not calculated to be pursued with relentless logic to all their conceivable consequences; of decisions between courts of co-ordinate authority, really conflicting, though nominally consistent, which it is only useless and embarrassing to be obliged to remember and preserve. Take, for instance, the struggle between the courts as to the extent to which a principal can take advantage of or is liable for a fraud committed by his agent. Says a majority of one court, in a famous case, where a principal put forward an ignorant agent to tell a falsehood by which the principal benefited, and the person injured pleaded the fraud as a fraud of the principal; "Nay, the man who knew did not commit the fraud, and the man who committed the fraud did not know; there was no legal fraud, therefore, on the person who suffered by it, which he can plead against the person who profited." Such an outrageous absurdity is too much for the acquiescence of another court, which accordingly proceeds to accept the authority of the case, and at once to distinguish it, while accepting it, by a line too fine for any but a legal intellect to see and apprehend. And then follows a string of cases in which the equal authority of conflicting courts has to be admitted, and the courts have to steer their way between them as best they can, often, as might be expected, with very indifferent success. So, again, the struggle between the courts as to the extent to which the old rule is to be carried, that corporations can be bound only by a contract under their seal; one court deeming it right to endeavour to mould the law to the altered state of the times; another to abate no jot of the strictness of the law laid down ages since, in a state of society wholly different from that to which it has now to be applied. These are but instances which might be multiplied fiftyfold, but they are enough to show you what I mean, and the worthlessness of a Digest as compared with a Code. For all these decisions will be preserved in a Digest, bad and good, sensible and foolish alike, and a plain and intelligible rule, if it can be drawn from them, will still have to be drawn out by the ingenuity of courts and judges. But these decisions will disappear in a Code.

A Code cuts the knot which a Digest leaves to be disentangled. Between two conflicting principles, a Code selects one, and clearness and simplicity, the two main elements in all good law, are at once and for ever secured.

That the thing can be done our own times have shown us. Perhaps the Code Napoleon can hardly be said in strictness to belong to our own times, but its date is only just before them. We have ourselves in the last few years enacted for India a Code, which in many respects is a model of what such a Code should be. In New York a great Code of Procedure was enacted but a few years since, which I understand to have worked to the satisfaction of those who had to administer it. These examples are enough to show the possibility, at least, of an English Code. But it will never be made by taking young barristers in no large practice, and setting them to make digests of different heads of the law. Such work, though often in itself very well done, and done by men of real ability, is waste of time and money, and has led lately to disputes and heart-burnings much to be regretted. A Code, if it is to be made at all, must be made by the first lawyers in the country, men of power and authority sufficient not merely to digest the law, but, if need be, to make it. The Code of Justinian was made by the greatest lawyers in the Empire; so was the Code Napoleon; so was the Code of New York. To pass a Code clause by clause through the Houses of Parliament is no doubt utterly impracticable. But I do not think it is at all impracticable to pass a Code (as bodies of statutes are often passed), made by competent men, submitted to Parliament, and acquiring the force of law, if Parliament does not dissent. Choose your men and pay them properly, and I believe a Code, whether of law or of procedure, to be perfectly attainable. It would be the best return the country ever received for the expenditure of its money, and I believe there would be no difficulty raised by any Chancellor of the Exchequer. I think I can answer for the present one.

My plan would be something of this sort. Take three men, or, if you please, four, of the very highest position and reputation; give them, if they have not it already, the rank of Privy Councillors and the salary of Judges; make their service, in the preparation of the code, count as judicial service, and give them, if not otherwise entitled to it, at the expiration of their labours, the pension of a judge. In some such way I am convinced a code might be prepared and sanctioned in its integrity by Parliament, and it would be a pure and noble triumph for the minister who achieved it, and

of great and permanent advantage to the country. Whether the opportunity might be taken to make one system of law for the three kingdoms is a question for politicians rather than for jurists. That there is much in the Scotch law and something in the Irish procedure which we might profitably borrow, I am sure; and, on the other hand, both Scotland and Ireland, it is possible, might with advantage adopt some things which at present are to be found in England only. It is inconvenient certainly to have a law which is not the same for England, for Scotland, and for Ireland: whether it is possible at the present moment to put an end to the inconvenience I am hardly in a condition to determine.

Such are my reasons for thinking a Code possible, if aimed at in a practical spirit, and with due adaptation of the means to the object. And, if possible, it is manifestly the first thing to be taken in hand, because, if well accomplished, it will save the doing of many others. Short, however, of a complete Code (if what other nations have accomplished should be deemed too great an undertaking for the English people), there are certain heads of the law which offer themselves willingly to a process of codification. Such are, for example, the law of evidence, the criminal law, the merchant law, and the law of real property. If a complete code be beyond us, portions of it may not be unattainable, and if attained will render the great result a work of less labour and of easier accomplishment. I have said in Parliament, and I here repeat, that if I can I will endeavour to deal with the law of evidence in this way next year. Through the labours of others, especially of Mr. Fitzjames Stephen, there is a mass of materials ready to hand, which a reasonable amount of trouble might without difficulty mould into a Bill. For reasons which will appear before I have done, I can give no pledge upon this subject, but at least I will try.

I have pointed out already how only I think, with any approach to scientific accuracy and completeness, a single harmonious system of law and equity can be evoked from the present conflict of the two. If this be denied us, I should wish to try what can be done by working with our present materials. Fusing law and equity by an enactment in terms that they shall be fused, and that whenever they conflict, equity shall prevail, appears to me—I say it with a sense that I may be quite wrong, when I remember the eminent men who proposed the clause—appears to me, I say, an utterly impracticable and slovenly way of dealing with the question. It would take twenty years of legislation, and ten hecatombs

of cases to settle the meaning of a clause in a statute. I should propose to proceed experimentally, and to supplement the scheme as experience might show us what was wanted. Clothe each class of court with the jurisdiction of the other class, make every court of law a court of equity, and every court of equity a court of law, reserve certain special jurisdictions, such as lunacy, bankruptcy, and, as now, divorce and probate (I do *not* in the list enumerate the Admiralty), and with these exceptions make every superior court a court of complete remedy to the suitors in it. Something of this kind was proposed nearly twenty years ago, amongst the great changes in their procedure then forced upon the reluctant courts of law. But the great lawyers who then dominated Westminster Hall would none of it. They summarily, by decision, reduced the Act of Parliament to nearly a dead letter, as, in this respect, though most beneficial in others, it has remained from that day to this. But endow them in terms with full equitable jurisdiction, and they could not refuse to exercise it.

I know very well the stock objections. The courts have no machinery for exercising another sort of jurisdiction. If that turns out to be so in practice, give it them when and as they want it. A Vice-Chancellor trying a horse cause, or a court of common law dealing with a suit for winding up a company, would be respectively unfitted for the subject matter before them. Very likely: but first, such business as is, in its very nature, unfit for the tribunal, will never, as a rule, find its way before it; and next, do what you will, if you alter largely the present system, and make one court and one procedure, there will be a period of transition in which the judges will have to learn their work, and will not all be equally fitted for the discharge of every separate portion of their duty. There is no change to which an ingenious mind which dislikes the change cannot make objections. There are very few objections which do not give way before a resolution to go on in spite of them. To such objections as I have mentioned, and to the like of such objections, I answer, Try! Try (what works already, in most of our colonies) making every court a court both of law and of equity, and see what comes of it. You will find it, I believe, throw an unexpected light upon the number of courts and the amount of judicial power which the country requires to do its business. Such is the contribution I presume to make to the solution of this vexed question, which has at least the merit of simplicity, which would cost the country nothing, and which, if it failed in practice, would interpose no obstacle to the creation of another system.

It is not easy, and I do not pretend to be able to suggest a simple and perfectly inoffensive amendment of the court of final appeal. Because here any change, that is, any change worth making, involves destruction. It is indefensible in principle to have two courts of ultimate appeal; one for these islands and one for the rest of the empire, each entirely independent of the other, which may conflict, and may even probably make the law on the same subject different in England from the law in India, or Australia, or the Dominion. I suppose it is not indefensible in principle, because it has lasted for centuries; but the jurisdiction of the House of Lords (except that suitors are a small body, belong to no class, and have no power of combination) would have long since been swept away as an intolerable and outrageous abuse in point of practice. The endless delays of the House of Lords (one case in which I was myself engaged, against the last Bishop of Exeter, was pending for many years in the House), its immense expense, its intermittent sittings, its entire disregard of the proceedings and engagements of all other courts when it does sit, its absolute irresponsibility; all these things have long been known, and endured from a feeling of the hopelessness of any amendment. I do not pretend to speak with any full knowledge of the Chancery appeals, but I know that not long since they were practically decided by a single peer, at whose decisions a caustic Lord Justice was accustomed to say that "he held up his hands in respectful amazement;" but I do say that nothing can be more unsatisfactory than the present state of the Common Law appeals. Once it was the rule in all Common Law appeals to summon the judges, and although I believe Lord Eldon asserted his right, as representing and embodying the House of Lords, to overrule the twelve judges if he pleased, it was a right practically never exerted. Now the House of Lords does not summon the judges as a rule, and often overrules them when it does. And who thus overrules them? The only Common lawyer in the House of Lords who takes part in the decision of appeals is the ex-Chancellor, whom many of us remember at the Bar as Sir Frederic Thesiger. Some little time since, and the example I give by no means stands alone, the law laid down by Sir James Willes, Sir Henry Keating, and Sir Montague Smith, and repeated in terms upon appeal by Sir Colin Blackburn, Sir William Channell, Sir Robert Lush, and others, was questioned and reversed in the House of Lords (the judges not being summoned) by Lord Chelmsford alone, the Chancery Law Lords being careful to decide the case upon fact.

It is not for me to criticize the proceeding; but if there be any lawyer who thinks a state of things satisfactory in which this is even possible, I can only say what he probably would say of me, that the constitution of his mind is altogether peculiar. For my own part, no alteration will be satisfactory, and I can take no part, either officially or privately, in supporting any which leaves to the House of Lords as such, to the Hereditary Chamber of Parliament, the right of deciding causes. It is one thing to acquiesce in an anomaly which we have received from our ancestors, and which has the consecration of centuries. It is quite another to enact it afresh, and to stamp with our approbation what is unworthy of it.

Moreover, what we have before us now is not the tribunal which our ancestors sanctioned. It was the whole House of Lords to which the constitution intrusted the decision of causes in the last resort. And well or ill, as any one who knows legal history knows, it was the whole House of Lords which exercised the trust. This was the theory down to our own time. The House of Lords, assisted by the judges, and as a rule in conformity with their opinions, declared, without appeal, what was the law of England. It is hardly even the theory now. In the great State trial of *The Queen* v. *O'Connell*, the members of the House of Lords were present in large numbers, and the judges by a very large majority had pronounced their opinion to sustain the conviction. The Duke of Wellington strongly urged upon the lay members of the House not to vote upon the question, and to leave the decision absolutely to the law Lords. The Duke's advice was taken, and the decision was left to the law Lords only. Those noble and learned persons decided it, no doubt with perfect honesty, but so it was that the Lords who supported the Government of that day also supported the conviction; and the Lords who opposed the Government of that day, reversed the conviction which the judges were for affirming. I do not stay to inquire whether the advice of that great and upright man, the Duke of Wellington, was well or ill given. I say that the effect of it was to change the character of the tribunal. There is no prescription in favour of two or three ennobled lawyers, ennobled often quite as much from political exigency as for legal distinction, sitting in appeal upon and reversing all the judges of England. Still less, if there is no prescription in favour of the custom, can I think, speaking I hope with due respect, that there is any reason for continuing it, either personal or practical. I do not know what Lord St. Leonards would say now, but I know what Sir Edward Sugden did say

in his great work reviewing the decisions of the House of Lords in real property cases. I have no means of knowing what the judges think of recent decisions overruling them, but I do know what they thought and said of the Brownlow decision, and one or two others which I refrain from mentioning. Moreover, small as the legal force of the House of Lords is at present, it is subject to continual diminution. Small blame indeed to those who can obtain the great powers of Lord Cairns and Lord Westbury for obtaining them if they can, to decide as arbitrators their private affairs. Most suitors would be glad to be so fortunate. But the absence of these Lords materially reduces the judicial strength of the Court of Appeal. And this small and fluctuating body, which has now become the Court of Appeal, feels keenly the necessity of clothing itself with what is in its case the unreal but imposing character of the House of Lords. They keep up the form of a deliberative assembly; the judgments are a debate; the decision is a vote of the House; and so tenacious are they (and from their point of view with good reason) of this utter unreality, that in the last scheme for a reform of the Court of Appeal, which we owe to Lord Cairns, the tribunal is to report both to the Queen and to the House of Lords; so that the judgment itself is proposed to be in one set of cases (those from the colonies) technically that of the Queen, in the other that of the whole House of Lords. Nay, more, a proposition made in the Select Committee by Lord Redesdale that the House should pass a standing order, "intrusting the hearing of appeals to a committee of Peers selected by the House as specially qualified to discharge that duty," was (it is incredible, but true) negatived without a division!

I said it was not easy to propose a scheme for a Supreme Court of Appeal which should not be open to objections. Yet the field is fairly clear for us. The Judicature Commission, in its first report, pointedly and of set purpose abstained from saying a word about the House of Lords. Into its second report the subject of a court of appeal does not enter. The Lord Chancellor's two schemes of last year, and of this year, whatever be their merits, which I do not discuss, did not receive the approbation of Parliament. The only scheme before the country is the one proposed by the House of Lords itself, or rather by a Select Committee of the House, of which committee every lawyer in the House, except Lord St. Leonards, was a member, though it does not appear that Lord Penzance ever attended its sittings. This scheme proposes the creation of a Judicial Committee to exercise as far

as the hearing goes the functions of the present Judicial Committee of the Privy Council and the House of Lords; but as I have already said, to report respectively to the Queen and to the House. The Court is to consist of the Lord Chancellor, four salaried members at 7000*l.* a year (1000*l.* a year being added to the original proposition on the motion of Lord Chelmsford), all law Lords, the Chief-Justices of England and of the Common Pleas, the Master of the Rolls, the Chief Baron, and the Lords Justices of Appeal in Chancery. None but the salaried members are to be obliged to attend more than twenty days in the year, and then only on the summons of the Lord Chancellor. All the members "with a view," says the report, "to the proper constitution and greater dignity of the Committee should be Privy Councillors." "With the same view" it proceeds to recommend that they should be Peers. But what sort of Peers—Peers for life? No; only while they remain members of the Committee. Peers of Parliament? No; they may sit and vote in the Committee, but not even sit, still less vote, "in any legislative or other proceedings of the House." The House is to keep its jurisdiction, and to exercise it through men not worthy to share its dignities and functions. These are to be preserved for the noble and learned Lords upon whose minds it has at last been forced that they can no longer with satisfaction to the public discharge one of the most important of them all. To be sure, there is a precedent for reducing Chief Justices and Barons and Lords Justices, and such inferior dignitaries, to dimensions fit for the attendants upon superior powers. Change for a moment my poor prose for Milton's glorious poetry—

> The signal given,
> Behold a wonder! They but now who seemed
> In bigness to surpass earth's greatest sons,
> Now less than smallest dwarfs in narrow room
> Throng numberless, like that pygmean race
> Beyond the Indian mount, or fairy elves.
> . . . .
> But far within
> And in their own dimensions, like themselves,
> The great seraphic Lords and Cherubim
> In close recess and secret conclave sat
> . . . .
> on golden seats
> Frequent and full.

I ought to add that a proposition to make those who were to exercise the jurisdiction of the House of Lords themselves real members of it was made by Lord Grey and Lord

Redesdale, and was supported by Lord Salisbury, Lord Derby, Lord Powis, Lord Romilly, and others; but except Lord Romilly (Lords Penzance and St. Leonards were not present) every other lawyer in the House was against admitting their brother lawyers to the same dignities and privileges with themselves. Where have these noble and learned persons lived since they left the Bar? What air have they breathed? What company have they kept? What waters of oblivion have they quaffed, that they should suppose that any Attorney-General with one grain of self-respect, or with the slightest feeling for his great profession, would make to the House of Commons such a proposal as this?

My suggestion shall be simple and direct. A court of eight members at the least, in which Scotland, Ireland, and the Colonies should be represented, and of which all existing law Lords should be *ex officio* and unpaid members, should sit during all the present legal terms and sittings, in two divisions if necessary, and I believe could well dispose of the business now disposed of by the House of Lords, the Judicial Committee, and the Exchequer Chamber. Whether it could also dispose of intermediate Chancery appeals I am unable to say with confidence, but I should think it could. One source of supply for the future I would make the ex-Lord Chancellors and Chief Justices, whose pensions, whether maintained at their present rate or reduced, should be dependent until some given age (seventy or seventy-five perhaps), or permanent incapacity, on some fixed amount of service as members of the Court of Appeal. I myself think it very important to have on the tribunal of last resort some members who are not lawyers; but this is a matter as to which there is great difference of opinion, which I will not now reason out, and on which I do not insist.

This subject leads me to consider, because it is so intimately connected with it, the very important question of the reconstruction of our judicial system, as to those matters which the Judicature Commission has dealt with in its recent report. On the character and work of the subordinate tribunals from which an appeal is to lie depends obviously the character and work of the court of ultimate appeal. Now the question raised, not in terms, but in substance, by this report is very grave indeed. Shall we continue as now a central Bar with central judges, sent round the country periodically to do the work; or shall we have Provincial Courts, with provincial judges and a provincial Bar, and with an appeal in certain cases only to the courts in London? A

graver question it is scarce possible to have submitted to us. Far more than most men think is involved in maintaining, in even raising, if it might be, the character of our judges and our Bar. The interests of the Bar are the interests of those who have to employ the Bar, and the higher the character of its lawyers, the better, in all ways and in all times, but especially in troubled times, for the country. I protest with my whole soul against the mischievous and foolish assumption which runs through too many writings and speeches on this subject, that the one object of the whole of our judicial system is the cheap and speedy dispatch of the business of suitors. It is one great object; perhaps taken singly it is one of the greatest objects; but it is not the only one; it is not to be pursued exclusively to the neglect of other objects very great and very important. Cheap law and quick decision are purchased far beyond their value at the expense of incompetence, of unchecked arrogance, of the suspicion even, far less the reality, of corruption. There is surely great force in what Mr. Justice Blackburn says, assuming it to be well founded. "The opinion of the profession," he says, in his note appended to the last report of the Judicature Commission, "is the only practical check upon the judges, and is a real check to any abuse of patronage by the Government." I hope what he says is well founded in both instances. He ought to know as to the judges, and if I seem to hint a doubt as to the fact, it is, perhaps, only because our opinion often fails to reach the heights on which they sit. If I doubt it as to the Government, I can do no more than appeal to legal memories whether, if this check had had a real existence, many appointments during the last thirty years could possibly have been made. And farther, as far as I can judge, the Government (I speak without distinction of party) neither knows much of, nor cares much, for what lawyers think. But no sensible man can doubt the great importance of such a check, supposing it to exist in fact. If possible, in the public interest, its strength should be increased, not lessened. Whereas, with the multiplication and decentralization of Bars and Courts, some diminution of power in the Bar and of authority in the Court is all but inevitable. I admit all this; and because I admit it I cannot concur in the present scheme to raise the County Courts somewhat, and make them do the work which our Superior Courts now perform in the provinces. I retain the opinion which, together with Sir Montague Smith, I expressed in March, 1869, either that the present system, which is based on the existing divisions of counties,

and which brings justice reasonably near to the homes of suitors, witnesses, and jurymen, should, with some modifications, be continued; or that the present system of circuits should be altogether discontinued, and Provincial Courts established, with assigned districts, having judges who should go frequent circuits to convenient places within such districts, and with appeal in certain cases to the Metropolitan Court of Appeal. I believe that with a more sensible distribution of the present judicial power, our thirty-one paid judges could do all the work now cast upon them with ease, and with largely increased dispatch, and consequent satisfaction to the suitors. But if these arrangements cannot be made (which I deny), then I come, with great reluctance, but I do come, to the conclusion, that England should be broken into provinces, and that there should be Provincial Courts, sitting *in Banco*, in the capital of each province, and going frequent circuits within it as the County Court judges now do.

Time warns me to refrain from entering upon the subjects of land transfer and registry, as to which, in some place and at some time, I should like to say a word. But there is one subject most intimately connected with Law Reform, on which, as I have long had a clear opinion, which can be shortly stated, I will speak before I end. The first great Law Reform I believe to be the creation of a minister who shall really be responsible for the administration of the law and for its amendment. There is such a minister in most foreign countries. There is such a person in many at least, and those the most important, of our colonial possessions. Nay, there is such a person, in substance though not in name, in Scotland and in Ireland. In England his functions are divided between, and if performed at all are most imperfectly performed by, the Lord Chancellor, the Home Secretary, and the Attorney-General. The Lord Chancellor is a great judge; he has also a large and troublesome department of State to administer; and if he undertakes law Bills he must undertake them at such time as the routine, but most important, work of his Court and his department leaves at his command. The Home Secretary in a country like ours is at least as hard worked as the Lord Chancellor; yet upon him recent custom has imposed the duty of undertaking many Bills which are certainly more properly the work of a Minister of Justice. The Attorney-General remains, whose official work is enormous and of unspeakable importance—it is said, at least, that delay in a law officer's chambers is about to cost the

country three millions of money—whose private practice ought to be considerable if he is to retain his proper weight in the courts and the profession, and to keep up with the law of which he is the head, and whose position, if he is not a man of altogether extraordinary and commanding powers, is curiously and completely inadequate to the functions which some men expect of him. The Lord Advocate of Scotland is now a Privy Councillor, and has always been a great minister of State. He governs Scotland, and has the weight and authority due to such a position. The Irish Attorney-General is a Privy Councillor also, but does not govern Ireland, nor is he consulted except by the Irish Government; and if he attends to Parliament, has time for the consideration and the carriage of Bills through the House. The English Attorney-General, alone of the heads of the profession in the three countries, has no rank beyond that of the first Queen's Counsel. He is not in the Cabinet; he is not consulted by, nor does he consult, the Lord Chancellor; and one of the very greatest and most powerful Attorney-Generals of modern time told me that he found his position in this respect utterly unsatisfactory, for that he often knew nothing whatever of law Bills till he was asked to support them in the House of Commons. Supposing that I had the best and most comprehensive measures of Law Reform ready in my chambers, I should in practice be dependent on the Secretary to the Treasury, and on such fragments as I could snatch of the Prime Minister's time for any chance of getting them understood or recommended to the Cabinet, or of bringing them forward. With the creation of a Minister of Justice all this would disappear. He would have his chance with other ministers he would be able in the Cabinet to compel attention to his measures; his office would collect about it a school of able and intelligent workmen; and if this year or next year he had to submit to the fate of other ministers and to postpone his Bills, his time would come, and his Bills would have their turn. Do not let me be misunderstood. I am not speaking in the tone of personal complaint. I have nothing to complain of. I have enjoyed, if not the confidence, at least the friendship, of my colleagues, and I have had to do with a Lord Chancellor whose noble and gracious character makes it a privilege to be brought near him. My fate has been only the fate of former holders of my office, and, unless things change, of future holders too.

Unless things change! I have made out for you a list of measures which can hardly be only called small or unim-

portant. A minister of justice; a code; if not a code a codification of certain portions of the law; a system of procedure; a complete jury system; a court of appeal; a reconstruction of our tribunals; a simplification (on the Australian plan, which we owe to Sir Robert Torrens) of land transfer —these are all measures to which I am quite content to be considered pledged—pledged in this sense, that I have for years thought them desirable; that, as to some of them, I am now ready; as to others, if I saw any chance of success, I could get ready to bring them forward. But it would be the idlest vanity, the grossest dishonesty, to lead you to believe that there is any probability of my being able to deal with many of them. It is so easy for men who have no responsibility, and who do not see the working of the machine, to say that this can be done, and that can be carried, and the other can be made law. I wish they had to try. In this country, to carry any large and complicated measure, you require a great force of public opinion and great public interest. On this subject effective political leverage has yet to be created. Take the subject of legal education. It is an important and interesting one. Nothing, or next to nothing, is now done for it. The Inns of Court, with their great incomes and unequalled advantages, have touched the subject but feebly and slightly. It is taken up in the House of Commons by Sir Roundell Palmer, a man whose position in the House is unique, whose personal weight and influence is enormous, whose eloquence invests with interest everything he takes up. There was full notice of his motion, and the House was barely kept up to its complement of forty members during his speech and the subsequent discussion. What is the use of railing against the Attorney-General in the face of a fact like this? Mr. Vernon Harcourt, a very able man and a popular speaker, takes up the subject of Law Reform, and but for the life unexpectedly thrown into the debate by a most vigorous and uncompromising speech, enough to stir up any House, made by my excellent colleague, the Solicitor-General, that debate too would have languished and collapsed. Mr. Vernon Harcourt spoke as ably on this subject as upon the Ballot, but his speeches on the Ballot were made to Houses inconveniently full, his speech on Law Reform was made to empty benches. Neither the Government nor the Attorney-General have anything to say to this result. It arises simply from the fact that one subject interests the House and the other does not.

Take the case of the Jury Bill. There is a matter which does excite some public interest, for multitudes, if not classes,

are annoyed and oppressed by the present law. It got through a select committee, and was pressed forward with such powers and influence as I possess. It was thrown over (and I admit the necessity) in favour of measures of greater political interest, and which both sides of the House were far more eager to discuss. The truth is, law grievances, though they exist, and are quite undeniable, are not grievances which touch either multitudes or classes. How few men, taking England through, ever go to law at all. How very few go often. How very few indeed ever get so far as an appeal to the House of Lords. Of those who do, the great majority are thankful to have it over; they know nothing of their fellow-sufferers; they are too glad to get them gone, and to hope that they may never hear the name of law again. I do not say this to deny or to extenuate the grievance. But it is only manly and honest to state plainly the common sense of the matter, and to point out what surely is a simple fact, that nothing great and complicated can be done in a popular Government without a strong pressure of popular opinion, and that there exist divers reasons why, partly from ignorance, partly from a happy inexperience, the feeling of the great mass of the people is not awakened on this subject.

It is also to be remembered that the session of Parliament is limited, that the time at the disposal of the Government is limited; and that the absolutely necessary business of the country—I mean Supply and other essential business—takes up most of the time of which the Government has the command. More and more the time of the House of Commons is not only consumed, but wasted, not by business, but by debates on all kinds of subjects, which too often begin in nothing and end in nothing but a large consumption of time. Besides, a Government becomes pledged in character and honour to certain measures which it is then a political necessity to bring forward. I speak without any special information, but it seems to me that Irish Education, Public Health, and Local Burdens, are matters which it is impossible the Government should *not* bring forward next session. The questions arising upon the subject of Local Taxation alone afford, if thoroughly dealt with, materials for a session by themselves. I leave you, and all candid men, to judge what is the chance of any great and disputed measure in the House of Commons, in 1873, if these subjects should be undertaken by the Government. All I can promise is to do my best to leave no opportunity unimproved, and to seize every chance to advance one or more of the measures which I have recommended to you to-

day. One thing I will not do. I will not bring forward measures I have no chance of passing, and I will not be guilty of what I think the utter littleness of making speeches for the sake of a spurious popularity, which can only take up valuable time, and end in nothing.

One word, and I have done. You, and all of us, have it in your power to do something to turn the public apathy on law reform into active and hearty sympathy. Let me urge you to do what you can. See very clearly what is the mischief you would remove. Do not suffer vague and rhetorical phrases to stand in the place of practical knowledge. See very clearly also what is the practical remedy you would propose. The mischief and the remedy being thus clear to your own minds, it is not very hard to make them clear to others. So, and so only, you can really help those in Parliament who are in earnest in the matter. And when law reforms are carried, as sooner or later they certainly will be, the credit of them will be due not so much to those who have sailed upon the current, as to those who have created its volume, and directed its flow. Forgive me that I have so long detained you, and forgive me that I have detained you with what has so ill occupied your time.

Address

BY

GEORGE WOODYATT HASTINGS,

ON

EDUCATION.

IT was with great reluctance that I accepted the honour urged upon me of presiding over the Department of Education at this Congress. It had been my intention, in the address which, as the President of your Council, it is my customary duty to deliver, to ask your consideration of more than one of the topics discussed at the recent International Congress on Prison Discipline, and also of some questions concerning which the Association has been busy, I trust not without utility, during the past year. These would have been matters on which I could have spoken with some assurance of usefulness, because on some of them, at any rate, I may venture to claim the qualification of special knowledge. But in dealing with my present subject such confidence is wanting to me. I have had no personal experience in the work of education, and I feel only too strongly that there are many here from whom I would gladly learn, and whom I could not, either now or at any time, presume to teach. But without attempting to range over the wide field allotted to the Department, I will endeavour to say a few words on some matters which circumstances have brought under my own consideration, or in which the Association has shown some special interest.

Confining the word to its popular, though incorrect, sense, all education consists of two parts: teaching and testing the acquisition of what has been taught. These conjoint functions are discharged in the highest way by the Universities of Oxford and Cambridge, which have always furnished the educational standard of the nation. They also add to them a third function, that of attesting the qualifications of those they have examined by the granting of degrees. The University of London, on the

contrary, has never undertaken the function of teaching: it simply examines; but as it exacts a higher standard than any other university in the kingdom, perhaps in the world, its degrees have a proportionate intellectual value. The test it imposes even on entrance is so high that a matriculated student of London has much of the position of an ordinary graduate in other universities, and this preliminary examination has had an important effect in raising the standard of education in schools.

Now, it is evident that the utility of these great bodies, standing at the head of the national education, must be in proportion as they are truly national in their character, as they embrace all classes, as their influence permeates all districts, as they enter into and colour the character of the national life. It is the glory of the University of London that its work, though limited as I have said in its nature, has from the first been comprehensive in its policy; no cloud of sectarianism has dimmed the lamp of its learning, nor have its honours been ever degraded by privilege. Its examination rooms are open to all of every rank, creed, and race, wherever educated, whether in schools, colleges, or private houses, and its degrees are granted solely as the rewards of a merit rigidly scrutinized. It might seem that these words only describe the necessary conditions of a great university, and yet it is a fact that when, not thirty years since, I matriculated at Cambridge, not one of them could have applied either to that University or to Oxford, and that all of them do not apply even now. By slow degrees the barriers of exclusiveness have been broken down, and it is marvellous now to look back and remember the pertinacity with which they were defended as just and necessary. It is within a very recent period that the full privileges of graduates and the emoluments of college fellowships have been thrown open without respect to theological differences; but it is only fair to the universities to say that the religious tests, now happily abolished, were not obstacles raised by themselves at their own gates, but were legislative fetters imposed on them by Parliament, and removed at the instance of an agitation commenced by university graduates. Various internal changes, all tending in a liberal direction, have been made for many years by the governing bodies. The curriculum of studies has been enlarged, and the natural and political sciences have been duly recognised. Fellowships and scholarships have been thrown open, and in various respects air and light have been let into the old-fashioned ways of university life. By recent changes undergraduates can now enter both at Oxford and Cambridge, and pass through the whole course of study, without necessarily

becoming members of any college or hall. All these alterations, for some of which we are indebted to the intervention of the Legislature, but which are mainly due to the liberal spirit that exists within the universities themselves, have tended to the one great end of nationalizing these ancient institutions. But taken by themselves they have nevertheless one drawback, inasmuch as they apply only to those who have it in their power to reside at Oxford or Cambridge. Now the necessity of residence must always limit the advantages of a university to a small section of the people. As a rule, it is only the sons of the wealthier class who will be able to give up three years of their life, and prolong their education to the period of manhood, in order to obtain a degree. Something more, therefore, is required to make the testing power of the universities of national advantage, and a great step was taken towards this end when Oxford and Cambridge instituted the Local Examinations.

The existence of these examinations is just coeval with that of our Association, they having been established in 1857, and a paper on the results of the first examination having been read by Professor Henry Smith, of Oxford, at our second meeting in 1858. It is encouraging to mark their growth since that period. In the first year the number of candidates for both universities was under 1000; whereas in 1871 the number for Cambridge alone was 2843, examined in forty-two centres. It is surely a fact of no small significance, largely as the total ought to be increased, that about 5000 boys and girls were last year prepared for and tested by a university examination, in which the papers of questions were drawn up in each case by a committee of first-rate university men, and the proceedings conducted in each centre in a strictly university way, with the accuracy, impartiality, and rigid sifting of the knowledge produced, which are the characteristics of university training. A striking feature of the examination is that the questions being prepared in the university, being given out simultaneously at the different centres, the answers returned to the university for perusal, and the results published in one report by the university authority, the candidates in each centre are pitted, not only against those in the same room with themselves, but also against the candidates in all other centres, and each boy and girl enters as a competitor against all England. Indeed, it is clear that in a few years we shall be able to go much farther, and say against the empire; for last year thirteen candidates were examined by Cambridge in Trinidad, and centres, I believe, are now being established at the Antipodes. But if these examinations are extensive in their area, they are no less com-

prehensive in their policy. They are sometimes termed the University Middle-Class Examinations; but this is a misnomer. They are confined to no class and no creed. High and low, rich and poor, may enter, if they so choose, for their honours and certificates, which recognise no grade except that of intellectual merit. They are, and always have been, free to all religious persuasions, though in this respect my own university has followed a plan better, as I conceive, than that of Oxford. Each university waives the religious portion of the examination in favour of any candidate whose parents object to it; but whereas Oxford compels every candidate who does pass it to be examined in the doctrines of the Church of England, Cambridge gives an alternative between a paper on the catechism and formularies of the Church, and one on some undenominational work, such as, to take this year's programme, Whateley's introduction to the evidences of Christianity. I may observe, in passing, as one illustration among others of the exaggerated importance that has been attached to what is termed the "religious difficulty" in education, that last year, out of 720 girls and 2121 boys, examined by the University of Cambridge, only seventeen girls and seventy-one boys seem to have availed themselves of this right of objection to the theological papers. Now, it is impossible not to believe that this wide extension of the university system of examination to classes who were formerly debarred from its advantages must have produced a considerable effect on the standard of general education. There can be no question that Oxford and Cambridge have for a very long period exercised a beneficial influence on the public schools in keeping them up to a certain level of efficiency in their classical studies; and the same kind of influence, on a wider scale, is now brought to bear on schools which do not ordinarily send pupils to the universities. In applying a test without favouritism, and I might almost say without mercy, to the candidates sent up, the universities are exercising a pressure, which may be slow but is certain, in raising the tone of education, in compelling accuracy of knowledge, in discouraging quackery in the teachers, and superficiality of attainment in the taught. Personal observation has shown me, to my own surprise, the prompt response that is made to facilities for examination, proving a previously unsatisfied need. Three years ago there was no university local examination held in the county of Worcester. In 1870 a Cambridge centre was established at Malvern, and as the chairman of the committee I have had an opportunity of watching its progress. The first year we had twenty-three candidates; in the second they had increased to fifty-one; and

I have little doubt that our numbers in December next will show a further increase. But what is more encouraging, the experience of a single year had the effect of considerably improving the qualifications of the candidates; a result which could only have been due to improved and more careful teaching. The effect of such an improvement, remember, would be felt not merely by the few from each school who went up for examination, but more or less by the whole body of pupils, since it implies an increased capacity or increased exertion on the part of the teachers, and hence denotes a rise in the educational standard of the whole district. At the last examination, one of our junior boys—let me record his name, for he deserves it: Henry Tottenham, of the College School, at Worcester—beat all England, surpassing in honours the 1676 junior boys who went up to the different centres, and obtaining, with his first-class, the mark of distinction in no less than six different subjects, Religious Knowledge, English, Latin, Greek, French, and Mathematics. Let no one suppose that this young boy's honourable success conduces only to his own advantage, or to that of his school. It will prompt others around him to the same meritorious exertions, and produce a lasting influence for good.

But by far the most important consequence of these university local examinations has been the impulse given to the higher education of girls. All the arguments which may be used in favour of these examinations as respects boys apply with much greater force to girls. For, in the first place, nearly all boys have an educational test of some kind before them, either in the Civil Service competition, or in the entrance to their professional studies, if they are not going to a university. In the second place, boys' schools are generally taught by university graduates, and thus something, at any rate, of the university method and tradition is probably infused into the school. But girls have no practical test to which they look forward, and the way in which they are too often educated is loose and superficial in the last degree. For those of them who wish to pursue the honourable profession of teaching, such an examination is of vital importance, as it enables them to demonstrate the knowledge they are willing to impart to others before a highly competent and trustworthy tribunal. And for all who desire to test the progress they have made, and to obtain, if only in their own self-approval, the reward of persevering exertion, a certificate sought successfully in a fair trial of their acquirements, must have a value wholly apart from any pecuniary consideration in future life. I remember

well the struggle, not a little strenuous, which resulted in the opening of these examinations to girls by the University of Cambridge, whose example Oxford, after some hesitation, has followed. I took some part in the preliminary experiment which, with the tacit sanction of the Senate, was held in London before the formal recognition was given; and looking back through the period that has since elapsed, I cannot but feel gratified at the progress made. You will permit me to give the tribute due to this Association for the weight and influence, which, from the first, on this as on other questions, it threw into the scale in favour of the higher education of women. It will be seen from the report of the Cambridge Syndicate of this year, that twenty-five centres now exist for girls' examinations; that last year, out of 443 junior girls examined, 60 per cent. obtained certificates, of whom 10 per cent. passed in honours; and that 242 senior girls were examined, of whom 42 per cent. passed, and 8 per cent. in honours. These percentages have been criticized as small; but I agree with Miss Emily Davies, in a letter recently published in the *Times*, that they are in reality encouraging. Remembering, as I do, the first trial examination held in London, and the fact that nearly all the eighty-four girls who then presented themselves, accomplished as they were in many respects, were rejected for their incapacity in arithmetic, I cannot but note the good that has been done in compelling the better attention of schoolmistresses to this and other necessary studies. It is my complete conviction that these local examinations have already effected a large improvement in the education of girls of the upper and upper middle classes, directly through the better training of themselves, and indirectly through the better training of those who teach them. But much still remains to be done. I wish the girls' centres could be doubled in number, so as to afford greater facilities of access, and to produce more local effect; and I urge upon all parents who desire—and who do not?—that their daughters should receive a real instead of a sham education, to encourage these examinations, and to avoid the schools whose managers shrink from the fair test they afford of the capacity of teachers. I do not join in the depreciation, fashionable in some quarters, of our English girls. There may be room for some satire, as there always has been; but in the main they are, as their mothers and grandmothers have been before them, fit to become the wise and good parents of a vigorous race. But I cannot think that they will be less wise and less good if the faculties given to them, presumedly for some purpose, are cultivated with care. All the arguments on the other side in

truth amount to this: that girls ought not to be taught anything; for what is worth doing at all, is worth doing well; and if girls are to be educated, let them be educated with that thoroughness, soundness, and accuracy, which can only be ensured by a thorough, sound, and accurate test of the teaching.

I cannot but regard the success of these local examinations as one of the most important, possibly the most important, step taken yet for the nationalizing of our universities; and if I venture to recommend one or two improvements in their organization, it is only from the sense that I entertain of the vast good they are calculated to effect. In the first place, I think that centres of examination should be further multiplied, so as to bring the advantage home to those to whom the expense of travel is an object, and to influence schools more locally. Secondly, I suggest that the amount of the fee charged by the universities should be diminished, as, though it may seem trifling to wealthier people, it is almost prohibitory in the case of the lower middle-class schools, to whom the application of a university test will be perhaps more beneficial than to any other. Thirdly, and as probably the best means of compassing both these objects, I would express a hope that the governing bodies of Oxford and Cambridge may be willing to enter into negotiations for the union of their local examination systems. This is no new idea, and I am well aware that there are difficulties in the way. The Bishop of Worcester, who was Vice-Chancellor at Cambridge when their scheme was originally started, gave away the prizes and certificates at our Malvern centre last year, and he told us that he was one of a deputation sent from Cambridge at the commencement of their proceedings to Oxford, in the hope that a plan of joint action might be agreed upon. The deputation failed in its mission, the point of difference being, I believe, that Oxford had resolved to grant the degree of Associate of Arts to successful candidates, whereas Cambridge was determined to grant only a certificate. Soon after this Association came into existence, our Council made an effort to set on foot a further negotiation, but the attempt proved abortive. I cannot help thinking that a union can and ought to be in some way brought about. At present there are not a few towns where each university has a centre, to the obvious waste of time, labour, and money, while there are other districts destitute of the aid of either. With united action the whole country might be mapped out and supplied with centres of examination to suit the educational need, and thus effect the utmost economy of expenditure and other resource.

Reverting to the other function of the ancient universities,

that of teaching, it must be acknowledged that its national character might be, and ought to be, greatly increased. Much, no doubt, has already been done. There is far greater activity, both in the professorial chairs and in college tuition, than there was a quarter of a century ago. The circle of university honours has been considerably extended, and college fellowships are now held as rewards for proficiency in other studies than those of classics and mathematics. The name of science is no longer denied, as I remember it to have been, to a knowledge of the works of Nature, or of the principles of human society; and wise appropriations of revenues, running before very much to waste, have been made in favour of studies such as those of jurisprudence, languages, and natural philosophy. But all these improvements touch chiefly the inner life of the universities themselves, and have but an indirect effect on the outer world, which constitutes the bulk of the nation. It may be hoped that the Commissions newly appointed to examine into the funds of the universities and their colleges will recommend that they should be largely used, as has already been suggested, for the spread of the higher branches of knowledge throughout our population. The absorption of the income of a fellowship without any benefit to the public in the way of mental exertion is no doubt much more rare than it was; but it is still true that a considerable proportion of collegiate endowments is in hands from which no educational work is rendered in return. It is argued, of course, that fellowships are given as rewards for merit shown in the degree examinations; but it does not therefore follow that they should be given without conditions. The best reward for a man who has shown intellectual power is to open out to him a field of active exertion, and probably the worst is to tempt him to allow his finer faculties to rust in idleness. Let us hope to see the day when every fellow will be engaged in educational work, and the immense resources of the universities be wholly devoted to the true object of their existence, the spread of sound knowledge. Conceive the effect that would be produced if, in our large towns and in every county of England, there were found highly cultivated men, fresh from university life, sent out by Oxford and Cambridge as the missionaries of science and literature, and bound to devote their time to public teaching in lectures and classes. It is useless to say that such services are not required, for the best proof to the contrary exists in the fact that they are demanded everywhere. A healthy perception of their own ignorance is beginning to pervade the English people, and they are pushing towards the light, though often blindly. I have been struck with the desire shown

in my own neighbourhood to obtain instruction from the lectures of university men who have proved their attainments. To some small extent this has been done, but what is wanted is such a diversion of the incomes of existing endowments from modern misuse or non-use to their original aim as may supply accredited teachers in all districts of the country. This alone can make university teaching national in its extent. Tradition may or may not speak truly when it tells us of the thousands of students of all classes who thronged the universities in mediæval times. It is hard, for instance, to know whether the tales of the popularity of Vacarius, professor of law at Oxford, in the reign of Stephen, are true representations of the facts. But of this we may be quite sure, that the higher branches of education, as taught both at Oxford and Cambridge, and in the Inns of Court, were much more popularized in the middle ages than they are at present. Then they were the heritage of the nation; now they are, to a large degree, the privilege of a class. It should be the noble effort of the present generation to restore the ancient lights to the land, and place within the reach of every subject the blessing of high culture.

I say, of every subject; for I am firmly convinced that if we desire a truly national progress, the education of women in every grade must be pushed on *pari passu* with that of men. When we consider the influence of women on each generation of children, not only through the number constantly engaged in tuition, but through the mothers who necessarily give the first bent to every man's mind, we shall perceive that a so-called national system of education which should in any department of its operations, much more in the highest of all, leave the women out of account, would commit the most stupid of blunders. I have already shown that the universities, through their local examinations, have given a marked impulse to the better education of girls, and I may add that the Senate of Cambridge, by its plan of sending examiners to any girls' school which may apply for them, has done away with the possibility of valid excuse for any schoolmistress who shuns the test of examination. It remains still to extend to the education of girls the benefit of university teaching, as well as of university testing. Now there is only one institution, so far as I know, which is attempting to do this, and its aim is so excellent that I am desirous of calling your earnest attention to its objects and present position. Girton College, situate at a short distance from Cambridge, has been founded by Miss Emily Davies, whose valuable evidence on the education of girls before the Schools Inquiry Commission is known to all interested in the subject, for the purpose

of affording to young women of the upper class the opportunity of real university teaching and training. It is not a school, and must not be confounded with such institutions as the Bedford College in London, or the Ladies' College at Cheltenham, which are excellent girls' schools, answering to the grammar and public schools for boys. Girton College is intended for young ladies who, having completed their school education, are anxious to devote a further period of their lives to the higher branches of learning. The curriculum of studies and the examinations are precisely the same as those of the University of Cambridge; the lectures are given and the papers set by university professors and examiners; and those who pass the final examination obtain a degree-certificate, which is equivalent in merit to a university degree. I have read the reports of the examiners of the college, and I see that some of the students, recently as the college has come into existence, have shown the capacity to take high honours in the university triposes. This institution will, if adequately supported, work a most beneficial change in the education of women, and what I particularly impress on you is, that it is unique of its kind. It is the only organization which can make any pretension to supply a body of teachers of the same quality as the masters in public schools, and with their attainments similarly attested, and though the college is by no means confined to those who intend to follow the profession of teaching, we must look upon this as its most important object. It is so important, and the number of promising students who find the fees a serious impediment is so considerable, that I believe no better use of money could be found by those who desire the improvement of education than in the foundation of scholarships at Girton College. It is true that an urgent appeal has been made for funds to substitute a permanent building on the site newly acquired, and thus save the outlay on rent, which even now, with a limited number of students, is the only expense that is not covered by the income derived from fees; but it seems to me that the need for scholarships is even more pressing. The success of this college up to its present point is one of the most remarkable events in the educational history of the country, and I can entertain no doubt that a future of much greater prosperity will reward the perseverance of its founders.

The attention of the Association has on several occasions been called to the unsatisfactory condition of our secondary education, and to the want of good secondary schools. It may safely be said that our old public schools, and the new public schools constructed in imitation of the ancient models, provide on the whole fully and efficiently for the needs of the upper and middle

classes. Harrow and Clifton leave little to be desired. At the other end of the social scale, the elementary schools, which will soon be formed in sufficient numbers to provide school accommodation for the whole of the weekly-wage class, give an education which will compare well with that given in the elementary schools of any other country. That the average of our primary schools should reach the standard already attained by our best National and British schools is, perhaps, as much as the most sanguine educational reformer could wish; but between the two classes which make use of our public schools and our elementary schools, there lies the great bulk of the middle class—a section of the community which includes all our tradesmen and most of our merchants and professional men, and which probably contributes more to the national exchequer, and to the cost of our so-called national education, than any other. What is the provision for the education of this class? On the Continent, the question would be at once and satisfactorily answered. In France our attention would be drawn to the Lyceums; in Germany to the Latin schools, the science schools, and the commercial schools. In the United States and Scotland, the high schools would be pointed out. But in England the answer must be that the provision for the education of this important portion of the community is left in a great degree to private enterprise. It is true that there are endowed schools, that these have been much improved of late years, and that with the vigorous help of the Endowed Schools Commissioners, we may hope to see them utilized so as to get rid of much of this educational want. But even were the whole of the endowed schools in good working order, and organized to supply the exact needs of the middle class, it is certain that the educational provision would still be inadequate. Many of our towns are altogether without endowed secondary schools, and everywhere these schools fall short of the number required; and while this remark applies to the case of secondary schools for boys, it applies with far greater force to the want of such schools for girls. But it may be said, there are plenty of private schools, and some of these are excellently conducted. Admitting this most fully, there remains the fatal objection that many of them are utterly worthless, and that at present there exists no satisfactory test, I mean of a general nature, by which good private schools may be distinguished from bad. The local examinations, as I have shown, have done much, but many districts are destitute of their influence, and even where they exist, only a small percentage of schools avail themselves of the test. Many schoolmasters, and many more schoolmistresses, conscious of their own incompe-

tency, shrink from an open trial. I greatly fear that this incompetency is more widely spread than some might be willing to believe. Notwithstanding admitted improvement, it still is unhappily true that those who have failed in every one of the pursuits to which middle-class respectability will lend itself, may and do open schools, profess to teach all and every subject of which they are themselves ignorant, and to practise, with an intuitive faculty which they do not possess, the art which most of any demands a conscientious training. The evil is the worse in its results, because few parents have the opportunity, even if they had the time and the ability, to distinguish between qualified and unqualified teachers. And let us remember that while this evil may apply more or less to all schools, it applies peculiarly to secondary schools. For our higher schools, the necessity of obtaining a university graduate is some guarantee, and frequently is a very high guarantee, that the teacher has passed through a certain curriculum, while in the elementary schools the requirement of a certificate, to obtain which the teacher must have given evidence, not only of knowledge, but what is of more importance, that he has paid attention to the art of teaching, affords a still greater certainty of due qualification. But to open a secondary school no certificate, examination, or registration of any sort is necessary. Surely it is not too much to ask that Government shall afford some kind of protection to the public in this matter. The case is closely analogous to that for which the Legislature has provided in respect to the medical profession. The Medical Act does not forbid any man to practise medicine who wishes to do so, but it does forbid him to assume any title which untruly describes him as a duly qualified practitioner, and it publishes a register containing the names of those who have been licensed by the proper authorities. This warning given, it leaves the public free to poison themselves with quacks at their pleasure, and it is believed that not a few avail themselves of the privilege. Now, without going so far as to advocate the German system, under which no person can open a school without a certificate of competency, I think that a register of teachers who have obtained a qualification ought to be issued yearly by the Privy Council. Such certificates need not be confined to a single source; they might be granted, for instance, by the Universities, or by the College of Preceptors, which has done and is doing much to improve the condition of middle-class schools, or by the Education Department, either on examination or as a condition of inspection. Such a certificate would be eagerly sought by good teachers, who now suffer grievously from the competition of unqualified persons, and it

would enable the public to discriminate between efficient and inefficient schools. For this reason I regret much that Mr. Forster has not yet been able to reintroduce into the House of Commons the second part of his original Endowed Schools Bill, which was dropped when the first part passed into law. This portion of the Bill provided for a registration of teachers, and also for examination and inspection of schools, without which there may be, I fear, considerable danger of the endowed schools relapsing into the very evils which it is the object of the Endowed Schools Commission to remedy. A system of inspection would be of the utmost importance. It would raise the character of private schools; it would keep the teachers up to a common standard of excellence, instead of allowing each to work at any course which their fancy, their idleness, or their ignorance indicates; it would educate the parents into discovering what are the subjects which it is most desirable their children should learn; it would tend more than anything else to get rid of obsolete text-books, obsolete subjects, and obsolete methods of teaching. I am far from saying that such a step would be sufficient to place our secondary schools on a thoroughly satisfactory basis; it would not. Nothing short of a national policy, on this as on other questions of education, will meet the real need; nothing short of a national system which will place public schools in all districts within the reach of both boys and girls of the middle classes. For girls, indeed, the want is far more urgent than for boys, since the number of girls' endowed schools is very small. I am convinced that it cannot be supplied by private enterprise or effort of any kind. The society established by Mrs. Grey has an excellent object, and it has my entire sympathy and support; but it has not strength to meet the exigencies of the case. Nothing less than the collective action of the nation can give us the supply of secondary schools which we require, and place our middle classes on an educational equality with other countries.

Let us, as the first step towards this end, give a hearty support to the work of the Endowed Schools Commission. That body has peculiar claims on the sympathy of this Association, for it was our Council which obtained from Lord Palmerston's administration the issue of the Schools Inquiry Commission, out of which grew, as a consequence of its report, the commission which is now dealing with endowed schools. Those who wish to know what the commission has done, and on what policy it is acting, should read their report of its proceedings which was recently laid before Parliament. It seems to me that much has been done during the three years of

its existence, not merely in deliberation and inquiry, in themselves of vast importance when so many diverse interests have to be dealt with, but also in work actually accomplished. It is true that a few schemes have been rejected, through no fault of the commission, and the noise made about them has fixed the public attention, while the large number of schemes carried out successfully has been overlooked. I believe that altogether four schemes have failed, and that about ninety have passed, of which at least one-half are of substantial importance. Such a result not only attests the vigorous action of the commissioners, but it gives promise that if they are continued in office, as we cannot doubt they will be, a change of the most beneficial nature will in a few years pass over the secondary education of this country. The letter of Lord Lyttelton to the Universities of Oxford, Cambridge, and London, asking those learned bodies to relax such of their rules as make a knowledge of Greek necessary in all cases for obtaining a degree, though it has not yet, I believe, been followed by any actual result, is a powerful argument in favour of a liberal recognition of modern studies. The educational policy of the commission is evidently to use all endowments placed under their control, and to influence all teaching in secondary schools for the true object of advancing the education of boys and girls alike, without reference to any other consideration. Of course, they have thus provoked a considerable amount of opposition. Existing interests find themselves put aside, and naturally resent the process. But I confess I have very small sympathy with the cry which has been raised that the commission interferes with the intentions of ancient founders. What were those intentions? Will any one pretend to say that he can divine them now, further than by giving to the donors the credit they deserve, and believing that they wished their benefactions to be used through all time for the best benefit of their fellow-men? The truth is that the outcry is generally raised in favour, not of ancient founders, but of modern patrons; and it is for the people, whose vital interests are concerned in seeing the whole of our educational endowments utilized for national purposes, to support the commission in its work with a sound public opinion.

I should be glad indeed to see this doctrine of original intention cried in aid of some of the schools which come under the view of the commission. Our cathedral schools have received a very scanty share of the large increase which has taken place in capitular revenues, though there is little doubt that they were originally intended to share equally with the

clergy of the cathedral, a third part being devoted to charity. When these revenues passed into the hands of the Ecclesiastical Commissioners, they were applied by them to increase their common fund, out of which they are gradually raising the income of poor benefices throughout the country. This is an excellent object, but not more excellent than education; and justice requires that these enormous funds should be divided equitably between the different claimants. It is singular that when the Endowed Schools Bill was in the House of Commons not a single Member of Parliament representing a cathedral city seems to have troubled himself on this question; but when the measure reached the House of Lords, one of our past presidents, the Earl of Carnarvon, at my request, moved a clause which would have required the Ecclesiastical Commissioners to give up to the Endowed School Commissioners such part of the surplus revenues of each cathedral body, as might have been adjudged, by negotiation or arbitration, an equitable amount, for the benefit of each cathedral school. The opposition threatened was so formidable that the clause was modified, and made permissive instead of compulsory; and in this shape it passed, and forms, even in its mutilated condition, a valuable addition to the measure. I call your attention to the correspondence between the two commissions on the subject of the Bristol Cathedral School, which you will find in the appendix to the report I have already mentioned. You will see that whereas the Endowed Schools Commission asked for 2000*l.* a year as a fair portion of the surplus, the Ecclesiastical Commission has only granted 400*l.*, so that if Lord Lyttelton and his colleagues are right, as I have little doubt they are, the college school of that important city will only receive one-fifth of the sum to which in equity it is entitled out of the surplus revenues of its own cathedral. I can only hope that as the subject is ventilated, public opinion will become sufficiently decided to enable Parliament to step in again, and compel a just apportionment of endowments on which an educational purpose was stamped by the act of their founders, and which cannot be permanently diverted without a grave injury to the education of more than one class.

I have only a few words to say on the wide subject of elementary education. I have no wish to touch on the vexed questions which have always beset it, and which still hamper the action of those bound to provide for its extension. Desiring only that every child in the land should be able to claim a sound education as its natural birthright, I am unable to enter into the keen controversies which would keep the children in the streets

till the secularists and theologians have settled their eternal differences. Speaking as chairman of one of our school boards, I say with confidence that those bodies have, on the whole, discharged their duty well, and will, within the three years of their statutory existence, cover the greater part of the country with schools. But I do not advocate their universal establishment, and would prefer to see those towns and parishes which have provided themselves with adequate school accommodation, left in the hands of that voluntary system which has done so much. What is now wanted to make our primary education national in its character, is a general law of compulsory attendance acting uniformly in every district. It seems to have been assumed that, in order to exercise this power of compulsion, a school board must be called into existence; but I do not perceive the necessity. I should recommend that the authority for this purpose should be vested in the magistrates sitting in petty sessions, who would exercise it with the same impartiality as they now do in similar cases arising under the Reformatory and Industrial School Acts. With such a legislative provision at work, we should in a few months see all our children at school, and under the moral influence of education the need for actual compulsion would soon vanish.

But, now, supposing that we had succeeded in giving a truly national character to all our educational institutions, as I have imperfectly endeavoured to sketch out; that we had cleared our streets and filled our schools by a universal and wholesome compulsion; that we had placed good secondary schools within the reach of all; and that our universities gave a high education to the whole land, there would still remain the question what kind of knowledge we ought to endeavour to impart? It is too wide a subject for me to enter on at the close of my address, but I wish to express in a few words the importance I attach to the teaching of science in all schools. That our children should be acquainted with the nature of the earth upon which they tread, of the air they breathe, of the water they drink, and the food they eat; that they should know something of the formation of their own bodies in order that they may understand the importance, nay, the duty, of attending to their own health; and that they should be enabled, by the teaching of science, to understand that the world is guided by laws which cannot be violated without bringing punishment on the offender, is what every one now is eager to admit. But, as the result of this ready acquiescence, there may be some danger of our expecting more from the introduction of something called science teaching, than we are likely to get, and of our consequent disappointment. I attach far

more importance to scientific teaching than to the teaching of science. By scientific teaching I mean the development of the powers of observation and the training of the understanding. The teaching of science may mean nothing more than the accumulation by the memory of a number of scientific results. The discipline in acquisition is of far more value, I venture to think, than the results. I believe that the scientific teaching of science is the most valuable means of education that we have at our command; that it is of more value than even the scientific teaching of languages. But between the scientific teaching of a language and the so-called teaching of science, which consists merely in the accumulation of scientific facts, I should not hesitate for a moment to give the preference to the former. With this explanation, I have no difficulty in expressing my belief that science ought to be taught in all our schools. No subject is so calculated to train a child to observe well and to reason accurately. The analysis of inorganic bodies, the elementary laws of chemistry, and, in another walk of science, of political economy, may each, properly treated, produce habits of careful thought which are invaluable. Especially are such subjects of importance, because, by cultivating a spirit of inquiry, they teach a child to examine for himself, and thus to educate himself. They are also likely to be pursued in after life, because a continuing interest attaches to them, and are therefore incentives to adult education, and to a prolonged mental activity. It is thirteen years since, at our meeting in Bradford, I called the attention of the Association to the importance of science teaching, and I conclude what I have to say here with the same counsel. The great field of scientific discovery, of which we only see the outskirts, will be possessed by our children. We shall not enter into that good land, rich with unimagined benefits for the human race, but we can train a future generation for the full fruition of its glory.

Address

BY

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ON

HEALTH.

THE Public Health Acts of the last two Sessions appear to guarantee a remarkable change in the physical condition of the people of this country. In 1871, for the first time in the history of England, a chief central office of State was formed for the combined supervision of the health and of the destitution of a steadily increasing population. In the following Session of 1872, just brought to a close, a further and equally important step was taken—that of practically committing to the local self-government of the people the detailed charge and management of their own health; so, at least, I interpret the significance of the two Public Health Acts which have just been passed in these years of 1871 and 1872. If such be the condition of affairs as regards the public health, a new era is inaugurated; and there seems to be to-day a proper opportunity for calmly asking ourselves, what is the fundamental idea of health as it is entertained by those who have done their best to master that idea? and what are the circumstances of this country in respect of that idea? Experts, many of whom I see present, will understand that, to do this completely in an hour is just as possible as it would be to paint a complete picture in that space of time; yet a picture may quickly be blocked out with advantage, though detail be omitted; and such a rude sketch I endeavour to present to you.

I.—IDEA OF HEALTH.

First, then, *Health* itself has to be considered in its fundamental conception. That is a simple matter enough. There is for every living being a *Personal Health;* and it is either good or bad. Every living being, originally a particle derived from

a more or less similar being, is composed of few out of many ingredients which make up our planet, is arranged in a certain manner, and performs certain functions ill or well; if well, we say the individual is healthy, according to his age and inheritance; if ill, we call it unhealthy.

There is for every civilized country a *Public Health*, which is not either the health of the individual nor the health of the nation, but deals with the circumstances which affect individuals, taken as they are in relation to each other, as members of the body politic. For example—the question whether a man has been poisoned inadvertently or of malice prepense is a question of public health, sanitary police, and medical jurisprudence, without regard to the general health of the nation.

There is for every nation a *National Health*, which includes a much more complex idea. It includes not only the circumstances which affect the individual, but those which affect the nation as a body, such as race, religion, customs, laws.

There is for the human race a science of *Comparative National Health*, which has reference to that health which affects and is affected by the circumstances of the whole world, which seeks to compare one nation with another, to ask why one people is more, one less healthy; one more, one less long lived; which aims at presenting to the mind a correct conception of the circumstances and the fluctuations in the health of the whole of mankind.

The object of sanitary legislation in any civilized country is to influence the health of its people in each of these four aspects respectively, to influence the health of individuals, to regulate the circumstances of purely public health, to develop the physique of the nation, and to note for a purely scientific purpose the health of the human race throughout the globe. Doubtless these are ideas which some may think cannot be safely handed over for their practical expression to the tender mercies of common councillors and boards of guardians.

Nevertheless; before we allow this fear to be just, we must be sure that we have ourselves correct notions as to what is, and what is not, essential for the several kinds of health as I have endeavoured to pourtray them.

The essentials are, after all, very simple. In the first class, Air, Water, Food; which some would scientifically sum up in one term—Food. But for civilized communities there is a second class as essential—Clothing, Fire, and Habitations. To the happy savage—and to some extent, I own I believe in the happiness of one who, living in peace in some ideal island, diving off a pleasant shore, basking in a radiant sun, has

neither the charms nor the cares that literature would bring to his palm-tree—for him, if such there be, this class of provision is not essential.

Nor does the third class of complex essentials, though absolutely necessary for civilized life, touch him. Regulated Highways of safe and good communication; regulated Scavenging, or means of pure life; Laws of Police, or an assured Justice as between man and his fellow in all the transactions of life.

These nine essentials however of national health—Air, Water, Food, Fuel, Clothing, Habitations, Highways, Scavenging, Police, may be safely accounted futile in a modern civilized people, without that which is fundamental to all, a general though wise Education; an education leading to the development of the sense of good citizenship in an intellectual and religious being.

II.—Typical Provisions for Health.

All this being so, we ask ourselves, how are these conditions to be obtained? What steps has modern civilization taken to obtain them? The answer is far too long for a brief hour, but your memories will supply the want of detail while I give one general illustration.

There happen to be a class of habitations where we can especially study the necessary conditions of health. If you go to a modern hospital you certainly ought to find nothing about it but that which is typical of the best health conditions. If you do, it implies in the managers deficient knowledge or faulty administration. What then is the idea of a modern hospital? When you mention a hospital to an expert in sanitary matters, he immediately recalls what is termed a "hospital unit." Now, I take leave to say that modern physicians and surgeons do not think they rightly treat the sick unless they put them in at least as healthy circumstances as they would wish them to be in when well. The idea that there is abstract advantage to masses of sick persons in collecting as many as possible into one place for the purpose of treatment has now passed away. A good hospital is a first-class illustration of the science of preventive medicine. The things most necessary for health as well as for the treatment of disease are to be seen there. Every essential is provided in the cheapest manner on the plan most approved by modern science and experience. Although there is a typical size of unit which on the whole is better than all other sizes, yet any number of persons may be accommodated, just as we can have a large

palace as healthily arranged as a small house, or a barrack as a guard-room. For this unit may be arranged under a great variety of circumstances in its relation to other units. A skilful architect will say, "Give me the plan of your site; tell me your latitude, and your maximum and minimum temperature; and with these I will arrange for a hundred, a thousand, or two thousand patients." I do not say that the plan of having 2000 sick in a hospital is the best, any more than we should say, that great towns offer the best conditions of human residence; yet civilization has to deal with masses, both of the sick and of the healthy, and it must apply to masses the principle of health which applies to individuals. Accordingly, the hospital units are grouped in various ways; are connected or unconnected; are placed parallel in line, are planted in echelon, arranged in three sides of a parallelogram like the *Lariboisiére*, on either side of a corridor, as at Blackburn, on one side, as at Malta, and as in the great hospital of St. Thomas', in London. The principle reached its maximum development in the great emergency of the American war, where, to pass by minor instances, the famous Chestnut Hill Hospital had 50 pavilions or units, each 175 feet in length, 2800 beds for patients, 500 for officers, a corridor 2400 feet long, a railroad connected with each pavilion, complete sewerage, water supply of 150,000 gallons daily, and a magnetic telegraph connecting every ward with the office of the surgeon in chief. All this improvised for a temporary emergency proves, I think, how principles clear and unmistakable for house and hospital arrangements are now accepted by those who are willing and able to keep up with the knowledge of the day.*

Now, if each important part of the largest hospital is carefully constructed and properly administered speaking generally, it ought to be as perfect as a whole as in the constituent parts; and is so, unless the collection of the sick into masses actually superadds, by cumulation, a new element of danger and disease. But, at all events, the principle of a perfect unit is equally applicable to the hospital of a village, of a town, a county, or an army, separate or united, according to circumstances and convenience.

It is the same with the abodes of the healthy. If you find in a hospital, great or small, a drain within the walls, a sink connected directly with a drain, an unventilated closet, you

* *See* "Treatise on Hygiene, with Special Reference to the Military," by William Hammond, M.D., Surgeon-General, United States Army; the excellent little volume on "Construction of Hospitals," by Captain Galton, F.R.S.; and Parkes' "Hygiene."

know the hospital is under incompetent management. If you find in a village, a town, or city, in any house similar faults of construction, you know you have to do with faulty organization, or with inadequate law, incompetent advisers, or careless people.

III.—Disease as it affects Nations.

I wish now to present, though I fear in a similarly rude and slight manner, a fundamental conception of disease as it affects nations.

There is a disease called Leprosy which was very prevalent in this country. I have not yet had an opportunity of ascertaining whether the information I have received is correct, that there is a case in Plymouth at this moment. But, at all events, leprosy may be practically considered as having died out from our nation. In that circumstance we note one important fact connected with disease, that it may first infect and then leave a country. What is Leprosy? A dreadful affliction that harassed the human race 3000 years ago, and that has persistently maintained its footing in many parts of the world until now. It called forth the most stringent sanitary regulations when Moses lived, if not indeed before his time, regulations that were conceived sometimes in a right, and at other times in a wrong interpretation of the nature of the malady. The disease is one which, if not uniformly fatal, is so frequently fatal that it may fairly be regarded as one of the gravest that can afflict man. It is one of the longest in its duration, and the most painful and horrible in its character; it destroys its victim piecemeal, and altogether produces effects so revolting that it would ill become me to describe it in a mixed assembly. Here, then, we have an affection enduring for several thousand years, capable of taking root and fixing itself in very different climates and dissimilar races; permanently in some, temporarily in others; still haunting, besides Norway, parts of India, Ceylon, Egypt, Arabia, Turkey, Greece, France, Spain, West Indies, and Norwegians in North America. Through the kindness of two eminent men, Dr. Danielson, of Bergen, and Dr. Hirrch, of Trondhjem, it was my good fortune to utilize a portion of a brief holiday in examining, on a large scale, this disease as it exists in Norway. What is it that a wise Government does for the health of a country the victim of such an affection? The Government of Norway sets to work the most skilled physicians it can find, and instructs and enables them to investigate the disease by every available means, whether by

the hospital, laboratory, or microscope, in order, if possible, to ascertain the causes of leprosy; and then, secondly, to devise the best means of preventing and eradicating the disease. The study of this disease does not end here; our own Government has not been altogether idle. Some years ago, Governor Walker wrote to the late Duke of Newcastle, informing him that leprosy was on the increase in the West India Islands. The duke sent to the English College of Physicians a request that they would investigate the matter, so far as our colonies were concerned. The college in due time placed in the hands of the Minister of the day a report from 250 persons living in different parts of the globe, accompanied by an elaborate commentary of their own, in which they set forth the supposed causes as well as the real character of the disease. They also referred to the labours of Dr. Danielson, in Norway, which I have just mentioned. The whole of this mass of information and research presented what I must call a monument of sagacious investigation. It is just such monuments, small as well as great, that we want, in order to show what by united means of research and inquiry can be done on all points, not for ourselves only, but for the whole human race. In the face of such labours, it is surprising to come across sensational articles complaining how little is done. For my part, I confess it was an affecting thing for me to hold in my hand, during my stay in Norway, portraits of poor creatures suffering from leprosy, prepared by command of the Norwegian Government twenty years ago, and to be able to compare them with what the sun photographed last year in the villages of Ceylon. More than one of the most terrible of these tropical photographs might have been taken from a patient whom I saw in the northern capital.

I must venture to sketch a still more extended illustration of disease as affecting nations.

Cholera offers to the minds of all men disease in the most aggravated form, and is the highest example that can be taken for the study of disease in relation to Comparative National Health. Were I to attempt to state the nature or relate the history of this disease, first of all my memory might fail me, and besides you would have to wait until nightfall before I could conclude the discourse. Not therefore to detain you long, I will take my text from an article which lately appeared in the *Times*. We had learnt by telegram that there had been an outbreak of cholera in the military station of Mean-Meer. Let us see what lessons we can draw from it. Only one regiment of our troops was

attacked by this fell enemy. But there had been previous outbreaks. In 1856 the ratio of deaths per 10,000 of strength was not less than 1664 persons; while in the second outbreak, which occurred in 1861, the ratio of deaths per 10,000 was 2456. We must not fail to bear in mind that cholera, unlike leprosy, has the remarkable faculty of appearing in many and widely separated places almost at the same time. This circumstance always adds special horror to this terrible disease, for not only do men sympathize with those newly affected, but they fearfully begin to look closely to themselves. Thus when the cholera lately reappeared at Mean-Meer, near Lahore, in a few days the *Times* discusses the past history of the station, and shows, that like most of the stations in India before the visitation of cholera, Mean-Meer was the abode of filth. After the visitation, surface cleanliness had been so carefully attended to, that both air and soil were held to be acquitted of all share in any future outbreak of the disease. You will further find that Dr. De Renzy, the able commissioner who wrote on the subject at the time, says, that the facts as stated in the report leave no doubt that there were abundant facilities for the propagation of cholera through the drinking water. Then he goes on to say, "There are still some grave defects in the water supply, but I hope they will shortly be removed, and even as matters now stand, the repetition of the circumstances of the past few days is impossible." But notwithstanding this prediction from a most competent writer, the disease in a few years reappears. Now, what lesson do we draw from this? It is that we may institute good sanitary regulations, and that they may yet fail in their intended effect. The regulations may be originated, but they may not be steadily maintained. The wells may be made pure, and they may be allowed again from want of care to become impure. In dealing with national health, not only is the highest skill required to track out the causes of disease, but an all-pervading machinery has to carry on without break well-devised regulations.

It may be as well to give the exact words of Dr. De Renzy on the subject:—

"The localization of the disease being unaccountable on the air theory of propagation, I made a careful examination of the water supply of the station, in order to ascertain whether it furnished an explanation of the extraordinary virulence of the epidemics, and of the remarkable limitation they often exhibited. Up to the close of 1867 the troops obtained their water from wells. Cesspit latrines, containing the fæcal accu-

mulations of eleven years, were in dangerous proximity to the wells until 1861, when they were cleaned out and filled up. In other respects, the water-supply arrangements have continued unchanged through the four epidemics. Attached to most of the wells there is a masonry reservoir, about eight feet square and four feet deep. These reservoirs were intended to hold a supply of water ready raised and available for immediate use. The reservoir was covered in with wooden planks laid loosely over it, with spaces of half an inch or more between them. Some of the covering planks had been removed from the reservoirs that I examined, leaving a space of a foot or two wide uncovered. I saw a good deal of dirt of different sorts in the reservoirs, and there was a good deal of dirt also on the planks covering the reservoirs, the dung of the bullocks that worked the Persian wheel, &c. Wells are favourite places of rendezvous among natives, and the planks covering the reservoirs would afford a comfortable seat."*

"Now surface cleanliness was so carefully attended to at Mean-Meer that both the air and the soil must be acquitted of all share in the production of those diseases. I visited several privies, and found them models of cleanliness; all excrement, liquid, and soil is carted away out of the station. We are driven then to conclude that the diseases were chiefly caused by excrement-tainted water."†

"The facts stated leave no doubt that there were abundant facilities at Mean-Meer for the propagation of cholera through the drinking water, that by the closure of the cesspools those facilities were greatly lessened, and that by the disuse of the wells and their attached open reservoirs those facilities have been almost altogether removed. There are still some grave defects in the water supply of the station, which it is to be hoped will shortly be removed; but even as matters now are, a repetition of the terrible epidemics of past days is impossible. I speak of the European Infantry only. I did not inquire into the arrangements of the rest of the troops."‡

A few days after the article in the *Times* had appeared, Mr. Clark, the able engineer of Calcutta, wrote to point out the simple but all-efficient remedy for the impurity of the water supply, under the circumstances of many Indian cantonments. The water tanks were under ground, and therefore became the place of resort on which the natives are wont to sit, and

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* De Renzy, Report on the Sanitary Administration of the Punjab for 1868, p. 15.

† *Ibid.*, p. 16. ‡ *Ibid.*, p. 17.

thus to contaminate the water. "There are," Mr. Clark writes, "simple means by which in almost any locality a pure supply of water may be easily secured at a comparatively moderate expense. Taking, for instance, a cantonment situate on a level plain in Bengal, and at present dependent on wells or tanks (ponds) for its supply, in such a case my proposal is to collect all the rain water falling on the roofs of buildings, and conduct it by down spouts and underground pipes capable of bearing a little pressure, to a masonry reservoir, constructed at any convenient place and distance, above the surface of the ground, but at a somewhat lower elevation than the roofs from which the water is collected. The reservoirs should be covered and carefully protected from all contamination and interference. It may be made in most cases to contain a depth of ten feet of water, and the pipes which carry the rain-water from the buildings to the reservoir would carry it back again from the reservoir to the buildings. Stop-cocks inserted into the down spouts would admit of its being drawn off as required."

These observations as to India have their bearing on our own country. In villages, in hamlets, and in detached cottages lying low on clay districts, the drinking water is now almost of necessity surface water, and of almost equal necessity contaminated. The remedy in many of these cases is by storing of rain-water. But it must be *properly* stored, as the comments of Mr. Clark on the case of Mean-Meer prove. A careful method of storing rain-water for drinking has been adopted already in several parts of England with excellent results. It demands the serious attention of those interested in our rural population.*

This is an instance of how, by watching the nature and progress of remote difficulties, we may sometimes reach the solution of problems which press though in an altogether different manner in our own country. It is impossible for me on this occasion to refer to all the Health Reports before me; but to complete the picture of the labours which our own country has been bestowing on this subject, I presume, even in the presence of Lord Napier and Ettrick, an eminent statesman, and lately governor of one of our Indian Presidencies, to draw your attention to some documents which give examples of the way in which cholera has been studied under the wise administration of India. The disease is being followed into

* I am glad to make these remarks in continuation of my paper of last year, on the unnecessary contamination of pure streams of running water near hamlets and cottages. See *Transactions*, 1871.

every corner of this vast territory, comprising more than 200,000,000 of inhabitants. The chief sanitary commissioner, Dr. Cunningham, is devoting his great powers to the collecting what a scientific association knows how to appreciate—*facts*. Besides much else, the Government of India has published valuable microscopic investigations connected with the disease. The manner in which the disease is supposed to be limited is illustrated by numerous maps, showing the district from whence, like a ghastly aurora borealis, it shoots out here and there, traversing this district and that. This erratic course has at various times been attributed by some to general meteorological influences, by others to the variations of ozone, by some to altitude, by some to diffusion by persons, by some only to the contamination of water by a specific cholera poison engendered in the human frame; by some to the water level. We have at all events entered upon the path of exhaustive investigation. Quite lately an interesting document, of only a few pages, has been prepared by Mr. Radcliffe, under the instruction of Mr. Simon, tracing the mode of migration of the disease. He says that hitherto we have been able to say pretty well whether cholera would come to Europe by seaboard or by caravan routes; but as we are now opening new lines of railway communication through central Asia and Russia, and thence across Europe, he properly asks what, under the new and altered circumstances, will be the course of the disease, and what are our new duties?

Before wholly dismissing this subject I may presume to quote to you two or three general conclusions arrived at by Dr. Cunningham; but before I do so, I beg you will bear in mind that they are the conclusions of a man who has had and used opportunities on a scale unknown in this country. He asserts that with the present imperfect data it is premature to decide conclusively in favour of any one theory regarding the spread of cholera, and adds that the several existing theories may involve partial truths, which would only become incompatible with one another when insisted on as absolute and entire explanations. This is the language of a philosophical writer. In effect he says: "I will labour on with all the means at my disposal, with all the powers I have, and with all the skill of modern science, and not be ashamed to say at the end, that although I may think this or that probable, yet I decline to dogmatize until I have been enabled to master the whole question." He observes moreover, that in order that a sanitary commissioner may properly discharge his important duties, it is of the first importance that he should keep

his mind perfectly unbiassed by theories; that his great aim should be to collect facts, and from these facts, by a process of strictly logical induction, to draw the conclusions which may be warranted by them, his judgment being altogether unfettered by the opinions which have been expressed even by the highest authorities. It is obvious that India presents a field for the study of cholera and other diseases, such as can be found nowhere else, and the evidence which is from year to year available in each province, if carefully collected, will afford an ample field for scientific men. A true and scientific man is always hopeful; is ever ready to pursue a work to the end of his life, without attained reward, and to help younger men in collecting facts, and drawing safe and sound conclusions, though he himself may never live to know them.

That these remarks are justified by me the following passages will prove:—

"It will thus, I trust, be seen that every measure which can be adopted to obtain reliable information regarding cholera in India, and to throw light upon the disease, is now being taken. With the registration of deaths among the people, which although still far from accurate, yet already supplies general truths of no mean value, with monthly statements received from all parts of India, showing the current history of the disease, with the registers of cases made in all civil and military hospitals, with the special local inquiry, which is about to be instituted in the Central Provinces, with the more scientific portion of the investigation patiently and carefully conducted by Drs. Lewis and Cunningham, it is to be hoped that in time much valuable information may be obtained. And even if all these efforts should in the end unhappily fail, and leave us as ignorant as ever of the laws which govern both the origin and distribution of the disease, it will be some ground of satisfaction that at all events an attempt had been made to study cholera in India on something like a scientific basis. And not only are facts now being widely collected, they will also be examined altogether apart from all preconceived theories."*

"In short, observations are of no value unless they furnish indications as to the condition of that layer of soil in any locality in which accumulation of organic matter and changes in moisture occur, and observations on water-level in wells are only useful when they furnish such indications. It has been

* Seventh Annual Report of the Sanitary Commissioner with the Government of India, 1870, p. 76.

urged, as an objection to the soil theory, 'that it hardly helps us on very far;' but surely a theory, however open to objection it may be on this ground, if it be consistent with facts, is more valuable and more likely to prove of practical benefit than theories of the greatest definiteness and clearness, which are not consistent with the facts. It may well be doubted whether any of the theories which have been advanced with regard to cholera is consistent with and capable of explaining all the facts as to the origin and spread of the disease, but unfortunately each theorist is apt to imagine that his own peculiar views represent not merely a certain amount of truth, but the whole truth.

Until the number of accurate observations and facts as distinguished from mere impressions is very much larger than it is at present, it is only with the very greatest reservation that any one theory can be accepted. What is required in the meantime is the careful collection of facts, a comparison of these with one another, and a patient investigation of their adaptability to the various current theories." *

"As general conclusions of these inquiries into the soil theory, as applicable to the phenomena of cholera in the south of India, I would state—

"1st. That with the present extremely imperfect data, it is quite premature to decide exclusively in favour of any one theory regarding the localization of cholera.

"2nd. That several of the existing theories may really involve partial truths, and that they only become incompatible with one another when insisted on as absolute and entire explanations." †

And Dr. Bryden writes:—

"The history of cholera in India tells that there was a time when this miasm was insignificant even in the country of its birth. It is needless to speculate as to whether cholera is a thing capable of being created, or whether it was created before or after the appearance of man. It is sufficient to know that it has a natural history of its own, and that its place in nature is as fixed as that of any other existing species. That there have been, previous to the modern period of fifty years, during which, in a continual succession of invading epidemics, the miasm has displayed vigour and vitality, similar epidemic periods extending back to the remotest antiquity, even the

* Seventh Annual Report of the Sanitary Commissioner with the Government of India, 1870, p. 148.

† *Ibid.*, p. 181.

imperfect data which exist enable us to infer. The history of our period shows that cholera, which has once made its exit from the endemic basin in strength, plays a definite part, and may make the circuit of the globe before it finally decays. When, therefore, history has failed to record invasion, the inference is, that in the endemic soil the germ had for the time gone to decay, or survived in so debilitated a state as to throw off no swarm of sufficient strength to leave its impress on the population of the epidemic area. From what we know of the behaviour of the miasm in the endemic basin in every year, it would probably be found true, did the grounds for forming a conclusion exist, that the epochal manifestations of epidemic cholera, and the intervals of decadence, have been caused by the geological changes connected with the rise and fall of the water level in the great tract between the Cuttack hills and the hills east of Bhurmpooter. Be this as it may, I fear we must come to the conclusion that at present we are in the midst of an epoch, in which not only are the different epidemics of extremely rapid recurrence, but in which each succeeding epidemic surpasses the other in the virulence of its effect on the human constitution."*

"I regard it as of extreme importance for the application of a suitable remedy, that not only should the direction in which the statistical data point be clearly indicated, but also that the radical difference between the condition of the European and the native—natural, domestic, and moral—should be weighed in estimating the causes determining the disparity of the ratio of attack, in order that we may not be led into error in miscalculating the effects of the prophylactic or remedial measures employed. The fact of disparity stands plain and unmistakable. Some will apportion differently the effects of different conditions; and my estimate may be in some respects inadequate, and in others exaggerated. Under any circumstances the question demands the deepest study that the sanitary officer can give. Before leaving it, I wish to remark once more that the great truth is not to be passed over as a curious statistical fact, but that its teaching is to be weighed, holding that its value is that of a law and true for all time to come, and that in the study of this law we have the truest groundwork for the application of a remedy to what has come to be a great national misfortune.

"In this shape I am compelled to leave the subject. There are many difficulties which I have not solved; and I have

* Bryden, "Report on the Cholera of 1866-8," p. 233.

been able to give an answer only in general terms to the all-important question—How the life of the British soldier in the cantonments of Upper India may be saved? I have tried to remove the whole question out of the province of conjecture and of misrepresentation of facts and their bearings, and from the facts, as they are here systematically placed, it is open to all to endeavour to push on the inquiry to a solution of the problem. And to him who shall have demonstrated the sanitary conditions under which the mortality of the British soldier is capable of being assimilated to that of the Hindostanee will be due the credit of having saved in the future a fourth of all lives that are now lost on Indian service." *

These weighty paragraphs will show to all thinking persons the magnitude of the question concerned in the subject of Comparative National Health. I must yet add one passage from the admirable volumes of the able Commissioner of the Central Provinces, Dr. Townshend, to remind you how our great epidemic oftentimes stands related to another generally different.

"It has been remarked that the degree of violence with which cholera attacks different districts varies according to local conditions. The same may be said of smallpox; and that the conditions which favour the prevalence of one disease also aggravate the mortality from the other, is apparent from the rates of mortality from cholera in the several districts of the two divisions in which both epidemics raged almost simultaneously in 1869.

"We require statistics extending over a longer period of time, and a more accurate knowledge of the climatic and local conditions of different localities before we can explain all the points of difference in the conduct of these destructive epidemics; but I trust it will be allowed that I have given sufficient reason for my belief that the fact of smallpox and cholera having raged almost simultaneously over a large part of this Province in 1869, and that in 1870 both diseases were almost equally quiescent over the same tract of country, must be taken as strongly corroborative evidence that these two contagia in their progress and decline are subject to the same general laws. It appears to me that in an inquiry into the nature of cholera, the question how far it is correlated with other contagious epidemics is one of great importance, and that facts bearing on it should receive careful consideration. I believe that much advantage will be derived from studying smallpox

* Bryden, "Report on the Cholera of 1866-8," p. 232.

simultaneously with cholera, and that by carefully observing the conditions under which the seasons of epidemic activity of these two contagia recur, much light will be thrown on the laws that govern the spread of epidemic diseases."*

This, then, is my further illustration of the idea comprised in the study of Comparative National Health. I grieve to pass so lightly over a subject illustrated by so many great observers from Gull and Baly, Snow, our Privy Council Health staff, Pettenkofer, and so many others. But it is inevitable. So we return to our first question, What is health? I then ask generally, How is it to be maintained in the Individual, in the Nation, in the World? We have to investigate the circumstances and the conditions of the individual, of the nation, and of the world. We have to ask whether we really understand the most simple and fundamental propositions concerning Air, Water, and Food; whether we are not in danger of thinking some things healthy which are unhealthy; and whether we are not trifling sometimes by declaring things to be unhealthy, which all common sense shows to be within the region of good health; whether we are not sometimes in danger, even in sanitary inquiries and laws, of imposing, or endeavouring to impose, upon all people the same laws for their mode of life and the maintenance of their health as though these laws were inviolable and absolute, when we know that both by climate and by inheritance, and a multitude of other circumstances, men vary in their bodies as they vary in their minds, and that there is no one type into which they can be forced, either by education or sanitation. These are illustrations, on which it will be well for all to ponder, who undertake either to legislate or to administer the laws which the Legislature makes for us.

Health depends, it is true, on but few elements. Yet the full understanding of the essential in the combination of these elements is calculated still to tax the highest powers of observation and of reasoning.

IV.—Tabulation of Comparative National Health.

Many years ago, Dr. Stark, of Edinburgh, drew a diagram† of death-rates in selected towns and countries in various parts of the globe, the population being taken indiscriminately without regard to age at death. In New Zealand the mor-

* Report of Sanitary Commission for Central Provinces of India, 1870, p. 32.

† *See* Johnstone's "Physical Atlas," Plate of Geographical Distribution of Disease.

tality was represented to be as low as 12 per 1000 per annum; in Norway, 20 per 1000; in Prussia, above 29; in Iceland, 40. It was said to rise in various countries until it reaches the enormous proportion of nearly 700 per 10,000 on the Gambia. I cannot vouch for the accuracy of these figures; indeed, they must not be taken as the actual rate, but they approximate to it as nearly as could be then ascertained. Accurate returns of births and an accurate census are of course necessary data for determining the mortality of the populations of the various countries of the world. Gradually we approximate this. Through the labour of the Registrar-General's office, and the untiring energy of Dr. Farr, we are enabled to see every week on our breakfast-table the barometer of Comparative National Health, in respect, not only within Great Britain of our great towns, but of Turin, Berlin, Vienna, St. Petersburg, New York, Calcutta, Bombay. These notices, as an index of the astonishing progress towards the formation of one human brotherhood, as regarding its material condition, deserve the utmost attention.

It is to be desired that they could be printed diagramatically, in the following form, so that at a glance each place might take its relative position of enviable salubrity or unenviable mortality in the previous week.

V.—Health Administration.

Thus far I have endeavoured to sketch an idea of the subject-matter of sanitary science—Personal Health, Public Health, National Health, Comparative National Health. The question remains, What are poor mortals to do among so many pitfalls? So far as England is concerned, our Government has just said: "You may trust the general guidance of a Central Office, combined with the local management by town councils, guardians, and their officers." I believe the Government is right.

In saying this I know I am putting myself in opposition to some in this Congress whom I much respect; but I say it because I believe the conclusion is founded on a fundamental principle of modern civilization, and is suited to the future course of our nation. The principle to which I refer furnishes the answer to the question, Who are to manage this country in the future, despots or the people? Are you going to make this people take care of themselves, or are you going to treat them like children, after the type of the most feudal times? Do not misunderstand me. I am a believer in feudal manage-

ment for feudal times, but not for this time. I believe in a certain "paternal government" for all times. Mr. Vernon Harcourt was pleased the other day to satirize sanitarians and philanthropists as men so addicted to meddle with other people's affairs, that if they had their way, they would, on the supposed outbreak of an epidemic catarrh, order from Moses and Co. the form of flannel night-cap for old women to go to bed in. I publicly answer here that I most unquestionably would do so if I thought that particular mode of meddling right. The question as to particular measures of State policy is whether a thing, apparently desirable, is expedient and right, or inexpedient and wrong. The instance given by Mr. Harcourt was only appropriate for his purpose of casting temporary ridicule upon a sound principle of government. What is the true principle of sanitary legislation? It is that the Government should help the people to do not what they can do, but what they cannot. It should strive to ascertain what hindrances there are in the way of the people's health, and to remove those they cannot remove for themselves. If they like to live in dirty cottages, let them, so long as thereby they do not infect their neighbours. But let it not be impossible for them to have clean ones. Whatever your fundamental laws may be, they must not sanction arrangements by which men cannot have pure air nor pure water, nor unadulterated food. The laws should aim at securing to all whatever is *necessary to health*. As persons occasionally make comments upon sanitarians, I do not see why I should not return the compliment, and make this observation upon the remarks of some of our legislators, that they are not always distinguished by a correct appreciation of the proper objects of legislation. I maintain, that it is not the minuteness of a point which should place it beyond the purview of the Legislature, but its inapplicability. There is nothing too minute for the attention of the Legislature provided this minute point be essential. Legislation upon sanitary matters should proceed upon this principle.

At the same time, fundamental sanitary legislation must not be hampered by details, or it will certainly be thwarted by a combination of objectors. Mr. Göschen, in the course of last year, introduced a measure dealing with sanitary matters. It was weighted by the enormous question of local taxation, and the Bill in consequence was withdrawn. Mr. Stansfeld, with a rare union of sagacity and moderation, introduced on a single sheet his Act of 1871, by which this principle has been established, that the care of the national health should be in the hands of a first-class Cabinet Minister, having within his office all the

elements necessary for its complete supervision. He was stigmatized as taking a narrow view of his duty, and taunted with the smallness of his Bill. It was actually read a third time without the fact being noticed in some of the daily journals. This is perhaps not so singular as that Parliament, almost without discussion, accepted so considerable a measure.

For, when we grapple with details, there is not one of the following list which can be properly excluded from the supervision of the Office: 1. Water supply. 2. Removal of refuse. 3. Control of buiklings (new and old). 4. Sewage. 5. Drainage. 6. Prevention of overcrowding. 7. Prevention of contagious and infectious diseases. 8. Prevention of epidemics. 9. Formation of sanitary areas. 10. Registration of causes of death. 11. Registration of sickness, as distinguished from death. 12. The laws of quarantine. 13. The superintendence of epizootic epidemics. 14. The inspection of all hospitals, including those of the insane. 15. The sanitary inspection of penitentiaries and prisons. 16. The inspection of dispensaries. 17. The inspection of druggists' establishments. 18. The inspection of factories. 19. The inspection of the dwellings of agricultural labourers. 20. The placing of every district within reach of sanitary inspection by the best engineering, scientific, and medical experts. 21. Education and registration of medical practitioners. 22. Education and registration of national health experts. 23. Education and registration of nurses and midwives. 24. Control of intoxicating liquors. 25. Mode of obtaining analysis of air, food, water, &c. 26. Vaccination. 27. Coroners. 28. Vested rights of millowners and others to interfere with sanitary measures in new populations. 29. Organization of charities. Not one of these twenty-nine matters, each of which forms a department in itself, can be removed from the subject of National Health. Indeed, I may say the list is not intended to be exhaustive; nor is there time to discuss any one in detail. But, take one instance. Workhouses now contain good hospitals; these being supported by the rates are virtually local State hospitals. Do you propose to have them brought up to the level of modern hospitals by inspection, and exempt the adjoining county hospital because it is supported by voluntary subscription? Or again, some may wonder that at the end of the list "organization of charities" is put down as an object for the local government office. But I hold with most thinkers on the subject that a common understanding between State authorities and voluntary societies, for relief of destitution and sickness, is becoming an absolute necessity. The country will

soon be unable to afford the waste of effort and substance which want of understanding engenders. Instead of leaving local committees to squabble over the question as to whether particular persons are eligible for relief at the hands of the hospital, or whether they should receive such relief at the hands of the poor law, I hold that there must be a combination of the powers of the State and of individuals, resulting in concerted action between them; and unless there is some such concert we shall inevitably before many years come to a dead lock. That is my answer to the sharp criticism that we sometimes hear as to the impropriety of collecting in one central office what is called the care of destitution and the care of health. I say that the two subjects are inseparable; and that in the present state of civilization it is necessary that in some form or other these two great departments should be united.

Now, I must proceed very rapidly to say, I think that the Act of 1872, which threw the administration of this vast subject into the hands of every board of guardians and every town council, and which divided the country into urban and rural districts, was conceived with great judgment. And here I must call the serious attention of the members of the Congress to what I am about to say. In adopting that plan it appears to me that the Government of Mr. Gladstone proceeded on a wise principle; instead of waiting till they could carry a complete theoretical scheme, they at once availed themselves of the existing institutions and habits of the country. In relying on the local self-government of the country for the administration of this intricate department, they followed the lead which has made England what she is, with her faults, for unquestionably faults exist, and with her virtues, which are unquestionably great. Mr. Gladstone relied on that which has rendered the people self-reliant and capable; and instead of waiting for theories, and doubting the intentions of his countrymen, he said: "I would give you a trial, and see whether you will discharge your new duties when you understand them, rather than place you in the hands of so-called scientific experts, who, with the alterations of ever-advancing science, are too apt to believe that a modern scientific notion being the newest was also the greatest and the truest." These Acts are dealing with a practical people; practical men have been foremost in our discoveries; and I have yet to learn that simple and practical men, living among an educated and cultivated people, in a period of unexampled scientific progress—I have yet to learn that such men, when certain duties are

assigned to them, will fail to act up to their characters as Englishmen. There is, however, one thing which must be done, or I for one should wish to see the Act repealed. It is absolutely necessary that there should be attached to the office what are called scientific experts. For this purpose, in addition to an adequate staff of permanent officers qualified for the joint duties of supervising all subjects connected with the laws of destitution and health, the country must be able to command the highest scientific skill; and how is this to be obtained by the Government for the solution of sanitary questions? This must be done, not by attaching to the office a numerous body of men appointed for life, but a body of persons retained for reference or consultation on particular subjects, and paid fees for their opinions, when their opinions are required. In this way at any moment the Government may have the opinions of the leading men in science of the day, and any questions asked of such men would be so answered by them that the courts of law, boards of guardians, town councils, and authorities in any part of the land would, in time, listen to those opinions with respect. This they never would do to analyses and opinions furnished by men who had not been specially trained for such work, and were not devoted to it. It is to be remembered that a wealthy tradesman, for instance, charged with selling adulterated food, would probably seek for eminent witnesses to reverse the decision of a local analyst or ordinary medical practitioner. All such judicial sentences should rest on evidence, which men like Frankland or Odling would corroborate and not shake. If this course is not pursued, I foresee endless dispute and litigation. I viewed with consternation the clause in the Bill laying down the standard of purity which was to be demanded of rivers and water supplies. And my reason was this, that if the clause had been retained the Bill would unquestionably be thrown over. When, however, the clause was withdrawn, writers, whose criticisms I read with attention, taunted Mr. Stansfeld with throwing over the most important parts of the Bill. Important no doubt they were, if they could be carried and sustained, but wholly unimportant as compared with carrying legislation of such fundamental character that it need not be reversed. Whatever steps we take must be certain. By the recent Acts we have authorities in every portion of the country; and what is more, we have a central authority which has obtained the power of employing and paying any number of experts that are required for whatever purpose, and which the Treasury will sanction. I have carefully refrained from asking questions

of or having any communication with members of the Government, so that I must not be thought in any sense to speak with authority on this subject; but as I understand the Legislature and these Acts, I entertain not the slightest doubt that the Acts have conferred on our central authority the further power of making, with the consent of the localities, such combined districts as practice, experience, wise energy, and the good intentions of the people see in their several neighbourhoods to be desirable. But it is manifest to all who reflect on the subject that the alteration of boundaries and areas is a difficult thing: that it involves various kinds of local interests affecting property, party, and sentiment; such as county, union, parish, and franchise questions, together with personal relations of all the officers severally engaged in these respective divisions; so that a great amount of labour must necessarily be undergone to settle the hundreds, or, more probably, the thousands of questions which will demand the personal attention and judgment of the Local Government Board. With regard to future legislation, I earnestly hope there will be no Public Health Bill next Session; but I no less earnestly desire that the attention of the Government should be given to the subject of local taxation, for this must be settled before anything like finality will be arrived at with regard to the financial questions connected with the public health, or the payment of a new class of sanitary officers. Both central and local experience will be gained by a little timely delay. I grieve to say that utterances of impatience, and even of desire to repeal the Acts of 1871 and 1872 have been already heard. I do not know whether those who are anxious to effect another alteration in this matter have reflected on two circumstances—the magnitude of the work which has been undertaken by the Local Government Board, and the fact that even our public officers are mortal. The work of the Board is becoming very heavy, and I sometimes look with alarm at the share I have taken in urging the Government to construct an office which has to regulate or reconstruct and to administer the more than thirty subjects which I have before enumerated.

I would therefore urge this Association loyally to support the authorities, central and local; to look for the fruit of the existing law; and to wait until the local authorities throughout the country have had an opportunity of maturing their plans. After waiting a few months, thus occupied, I presume that the parties of the House of Commons will once more combine in order to produce a permanent sanitary code, and not a mere consolidation. For my part, I prefer a complete sanitary code

to mere consolidation. The latter might be prepared by an ordinary draughtsman. Any skilful lawyer can consolidate Acts of Parliament. The difficulty is to find out what are the powers permanently required; what it would be reasonable, what useless to exercise; what should be expunged; what, in short, should be the national sanitary code. I appeal to all persons connected with any public work whether it is possible to complete an undertaking of that kind in haste, or under feeling of doubt whether your conclusions will be allowed a fair trial.

VI.

CONCLUSION.

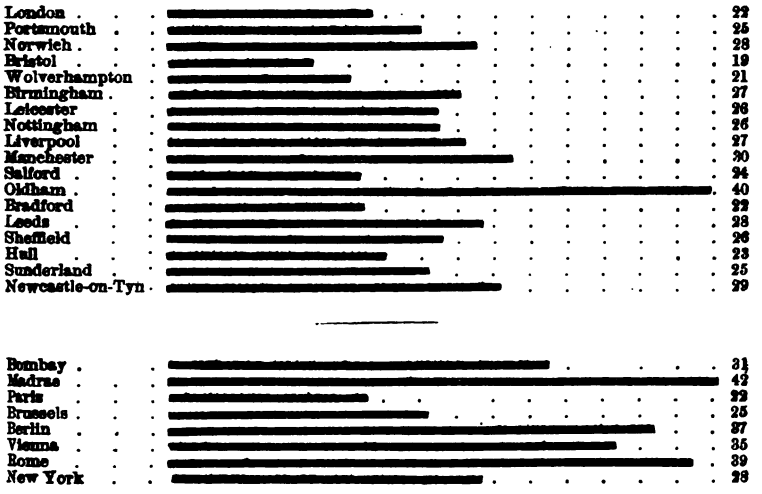
And now, my lord, I must thank you and the Association for the kindness with which you have received my remarks. I will in conclusion only say, that there are two dangers which all of us are liable to fall into, and which therefore I would distinctly point out. Some persons appear to think we are backward, wanting in patriotism, or even indifferent, if we do not insist on complete measures; and they declare they will not accept anything which has not the aroma of completeness about it. Well, I only hope they will exercise forbearance towards those who are in the difficult position of constructive legislators, and that they will gather confidence for future progress from past success. I delight in theoretical and complete schemes. They are important and instructive, and deserve the respectful and considerate attention of all persons who are engaged with the practical work of the State. But to wait for completeness is very often simply to defer, from year to year, the doing of that which might have been done to-day. In most respects this country is in a progressive state, though the fundamental principles which lie at the root of all our institutions are not only being severely criticized, and will be considerably modified, if not in our time, at any rate in the time of our children.

We may congratulate ourselves in this Association upon the sagacity of Mr. Hastings in promoting for so many years with so much success entirely free discussions on social subjects at these Congresses. I believe it is through associations of this kind that we shall get complete views of many subjects worked out, and presented to the public and to Parliament. There is a class of persons—I am happy to say rapidly diminishing in number—who seem to be of opinion that we who are engaged in sanitary work are somewhat fanatical,

and that because it is connected with our material frame, it is therefore a second-rate subject fit only for inferior men. With them I entirely differ. Bred a physiologist and a physician, I am not in the least afraid of being called a materialist. I believe that we are now able to look at things fairly in the face. I believe that by our health, by our inheritance, by our climate, by our lives, by our characters, we become what we are. I believe that the human body is the instrument through whose agency alone, in this wonderful world of ours, the mind can do its work. I believe that mental education is the blessing of modern life if wisely directed, to the end of making good men, and useful citizens. I believe that the body, when overtasked and exhausted, brings destruction to the best qualities of the mind. If I can read anything in the history of the globe, it is this, that the great qualities of a people depend in large measure (except in rare instances) upon the *physique* of the nation. I appeal to historians—to all, that is, who have studied the philosophy of history—whether it is not the fact that some of the highest of human qualities have been shown in a most eminent degree in days when there was a noble *physique*, but when there was no systematic education according to the modern notion of book learning. If you overtask men, you make them irritable and nervous: you may shorten their lives, as in our days we have seen great and good men's lives shortened because of the overweight that has pressed upon the tenderness of a sensitive conscience. You bow down a man, who, if you but gave him more time, would have worked long and well in his useful station. I could mention more than one rare spirit who would have been working for the nation to-day if this had not been so to him. So far as the comparative national health is concerned, I say there is no possibility of exaggerating the importance, not to our own country alone, but to the world, of fostering and caring for the body of man. The body of man is not only the casket which contains the soul. It is more. It is a casket which, under certain conditions, moulds and modifies the soul. The casket may even be injured by the vices and follies of parents—by parents who transmit to their children accursed and accursing diseases. You may ruin a nation in the same way by letting it rush into too exciting commercial speculations in pursuit of wealth; you may weigh down your best men by harassing, useless details; you may wear out your public men in senseless midnight discussions with no worthy object and without result. You may ruin a nation from the highest to the lowest, through want of patience,

without an object and without result. You may ruin a nation from the highest to the lowest, through want of patience, through lack of care, through want of quietness. Believe one who has passed middle life not without some poor endeavours to promote mental and physical vigour among the people: believe him when he says, you may unconsciously press too hard upon the mental and bodily power of your people; you may, unawares, destroy that precious gift of God—that health which enables man to do the great work of man, his duty towards his fellow-creatures, his duty to himself, and his duty to his God.

DIAGRAM TO SHOW THE PROPORTION OF DEATHS PER 1000 PER ANNUM, AS RECORDED IN THE REPORTS OF THE REGISTRAR-GENERAL ON OCTOBER 25, 1872.—(See p. 79.)



Address

BY

SIR JOHN BOWRING, LL.D.,

ON

ECONOMY AND TRADE.

I HAVE been unexpectedly honoured with the request that I would undertake the presidency of the Department of Economy and Trade at the present meeting of the Social Science Association. I was not willing to decline the duty, though I have felt that I could only imperfectly and unworthily discharge its claims. Had more time been allowed me, I would have endeavoured to present a more general and complete view of the field, and to have pursued the inquiry into ramifications which I am compelled to abandon. No one can be more aware than I that in the various departments of political economy and trade, an investigation, in order to be wholly satisfactory, should be exhaustive; but as every day's experience and observation adds something to the statistical facts upon which ought to be grounded the deductions of the philosopher and the legislation of the lawgiver, any thoughtful suggestions must augment those materials upon whose study and proper appreciation the well-being of society depends. Progress in every department of thought and action is happily the tendency of the intellectual tide, and if we cannot always direct its course, or increase its potency, we may at least allow our little barques to be carried forward in the stream.

It may be doubted whether there is any topic of social or individual interest which is not in some way or other to be tested by statistical and economical results; at all events, it may be contended that when such results are attainable they will tend much to the elucidation of any and every controversy. Every argument is strengthened if it can take a mathematical or arithmetical shape, and the tendency of all inquiry is to subject every contingency to some law of harmony or order. The great controversy of the day is, whether any event in the widest

regions of space or time does escape, or can escape, from the irresistible despotism of universal law. Thoughtful men are beginning to test the great workings of Providence, once deemed inscrutable, as they would test the working of any instrument produced by the hands of man. If they look at the machinery of a watch, they would judge of its excellence from the absence of aberration, that it constantly went well, and recorded the progress of days or hours, or minutes or seconds, with unvarying accuracy. If it failed, they would properly deduce from its failures the imperfect hand of the watchmaker. It is not necessary that they should be personally acquainted with the watchmaker to assist the conclusions at which they would arrive; nay, it would be utterly impossible for them to trace the various parts of the complicated work to their origin; and so in the infinite variety of the machinery of creation. There the watch never fails; there there is no eruption, no convulsion which is not a part of the great whole of law. We no more see the Creator of the universe than we see the fabricator of the watch; but the evidence of the existence of the former is infinitely stronger than the evidence of the existence of the watchmaker, because the products of creation are infinite in number, and in extent and duration; the products of man few, limited, and perishable. But, in truth, even on the mind of imagination figures play a prominent part: the poet *measures* his verses; we *sum up* the aptitudes or the defects of the painter; we *deduct* the shortcomings from the excellences of the architect; and, in cases of great artists like Michael Angelo or Shakespeare, we cannot avoid *multiplying* their charms.

There is ground for general congratulation as to the national progress and prosperity in the commercial field, as exhibited in those unmistakable figures which from time to time are presented to Parliament and the public by the Board of Trade. Those with which I have been favoured by Mr. Fonblanque, the head of the Statistical Department, give the comparison between 1861 and 1871.

In 1861 the value of imports was		£217,485,029
„ 1871 „ „		329,855,143
„ 1861 „ exports was		125,102,814
„ 1871 „ „		222,519,777
Showing, on imports, an increase of	£112,370,139	
„ exports, „	97,516,963	
Together	£209,887,102	in the last decennial period.

Nor are the statistics of our shipping less satisfactory. There sailed from our ports in 1861, 4,806,826 tons; in 1871, 5,694,123, an increase of 887,297 tons.

Of tonnage, the increase is, of entered, 7,300,308, of cleared, 7,651,929 tons.

Of the leading articles of import there has been an increase. In cotton, of more than 4 millions cwt.; flax and hemp, 1,700,000 cwt.; of jute, 2 millions cwt.; of sugar, more than 4 millions cwt.; of tea, 55 millions lbs.; of tobacco, 7 millions; of limejuice, 5½ millions gallons; of wool, 95 millions lbs. The great and notable exception is the diminution of the imports of coffee, amounting to 4,600,000 lbs.

The exports of every class of manufactures have also wonderfully augmented. In cotton goods, 20 millions; in cotton yarns, nearly 6 millions; in haberdashery, 2½ millions; in linens, 3½ millions; in machinery, 1¾ million; in iron and steel, 15 millions; in woollens, 16 millions; in woollen yarns, 2¾ millions sterling.

Immediately connected with our manufacturing industry, attention has been lately called, not without some anxiety and alarm, to the backward position of our learning classes, as contrasted with the higher and better organized instruction enjoyed by those who come into the field of competition among foreign nations.

That kind of competition may hereafter be widely extended, far beyond the limits of Christendom. There is an educational machinery in China, without which that great empire would long ago have fallen in pieces; and all that is wanted to place that wonderful land in the highest range of civilization, is but to find better books and better teachers, to break down that blind reverence for the past, which has been the great barrier to progress. A marvellous change is taking place in the East. You may have remarked intelligent Japanese faces in your sections, drinking eagerly in the information we have been able to present to them. China, Siam, Burmah, Mahomedans, Parsees, Buddhists, and Brahmins are coming to us in large numbers, to gather together the seeds of knowledge, which, sown in their native soil, will produce an abundant harvest. Let us not have the vanity to suppose we have little or nothing to learn from them: such is not the opinion of those who have studied them most and who know them best.

A question in which statistics have not been practically, or at all events have been only partially, consulted, or if consulted have not obtained adequate attention, is that of direct compared with indirect taxation. Indirect imports have undoubtedly the

recommendation that they are voluntary contributions to the revenue. Men may abstain if they please from the consumption of many taxed articles, or regulate the amount of consumption, and there may be the advantage of being ignorant, where ignorance is bliss, of the extent to which the exciseman or the custom-house officer preys upon the income of the consumer. And it may be true, at all events it is seemingly true, that of the *non apparentibus et non existentibus eadem est ratio;* but it is a staggering fact that above 23,000,000*l.* sterling are collected by the customs on ninety-one imported articles, of which 12,000,000*l.* are received from four articles alone; tobacco, spirits, wine, and malt. There would be a great simplification of accounts, and a great diminution of the costs of collection if duties were laid only on a few of the most productive articles. Such was the recommendation of the Parliamentary Committee of which Joseph Hume was the chairman, and the exchequer has suffered little if at all from the total abolition of duty upon above 100 articles. Among the beneficial changes which have taken place, the removal or modification of fiscal regulations, such as domiciliary visits, restrictions upon the various modes of manufacture, the interferences of guilds and trades associations, with apprenticeships, hours and terms of labour—in a word, the gradual emancipation of capital and employments from ancient bondage, have all contributed to the great results which we witness on every side; and as the tendency to inquiry, and the results of inquiry, must be to substantiate by figures what has been accomplished, the evidences collected will serve as a guide for future legislation, as well as for social or individual arrangements. It is far more important to the community at large, for it is more intimately associated with the greatest happiness of the greatest number, to know more of the manner in which wealth is spent, than to know how it is to be amassed, for they cannot be many who gather together enormous masses—the Rothschilds, the Barings, the Brasseys, the Morrisons—whether by their own talents and aptitudes, or whether as in the case of many of the greatest landholders from hereditary descent; but almost everybody has an interest in the expenditure of others, the inopulent especially, whose very existence depends upon the portion of money which is distributed to them in the shape of wages and for other services of a subordinate character. What is to become of these gigantic fortunes, which leave an enormous surplus after every desire has been gratified, is a curious subject for speculation. There are those who have to dispose of many millions a year. How can they be spent? and if not

spent the instant, ever-progressive accumulation goes forward. Is there any law, can there be any law, to check or influence this perpetual growth? or will the chapter of accidents, as it is called, determine the future condition of the heirs to uncounted and uncountable millions? Happily, uncountable millions are not necessarily associated with maximized felicity.

A Frenchman cleverly said "Le tout est dans le tout." All truths harmonize; all great principles are a brotherly alliance. The question of taxation seems no exception; to maximize the receipts, to minimize the cost of collection, to avoid delays, injustice, vexations of any sort. In a word, to obtain the best results at the least expense, keep these purposes in view, and you have provided, by the wisest legislation, for your increased individual and national wealth. You will present the whole subject to the taxpayer in a simple and intelligible form, instead of the entangled and complicated tables which are now presented to Parliament and the public.

And ought not inquiries like this to become a valuable auxiliary to the various departments of the public service? All the tendencies of science are to render the appliances more efficient and less costly. The waste of money in every branch of expenditure, whether from ignorance, indifference, or inaptitude, is so little a matter of discussion, that everybody seems to agree that improvements ought to be introduced, and less perfect works abandoned. The machinery of war has been wonderfully modified and changed by the discoverers of science in the quiet regions of pacific thought. All that represents ignorance is waste; what knowledge brings is saving. The *stare super antiquas vias*, the obstinate determination not to inquire as to the *quo eundum est*, but only into the *quo itur*, the old Baronian obstinacy, *Non volumus leges Angliæ mutari*, the miserable plea that we do not want to be wiser than our forefathers, that plea to which the great empire of China owes its stationary, unprogressive character, is happily superseded by the fact that legislation constantly undergoes changes, in order to accommodate itself to new social conditions and requirements, that we have learned that we are the oldest because we are the last of the generations of men; that we are bound to add to the knowledge of our forefathers the knowledge we have acquired; while we have the assured certainty that our descendants will be much more knowing than we. Into what yet unexplored regions future inquiry may penetrate remains yet to be disclosed; but of this we may be sure, that there is no more evidence of profound knowledge than the confession that after all we know but little.

Few nobler aspirations were ever uttered than by Göthe, who in dying exclaimed, "Light! More light!"

The late enormous increase in the prices of all the necessaries of life, especially in food and fuel, cannot be passed over unnoticed. It is believed to exceed an average of 20 per cent., so that a fixed income of 100*l.* a year will be practically reduced to a value of 80*l.*, and the heaviest burden will fall on the consumption of coal, the sudden augmentation of whose market price is such as has never been experienced. It is not to be expected that the Parliament would offend the laws of political economy by prohibiting exportation or laying on an export duty, and perhaps the untaxed importation from foreign markets will in some respects relieve the British consumer; but we cannot expect a very serious reduction in price, and must be prepared for the consequences in all our manufactures.

The pressure will be felt most severely by the least opulent of the middle classes and by the agricultural labourers. Workmen employed in manufactories can associate, as they mostly reside in cities and towns, and by strikes and combinations force a rise in the price of labour, and wherever the number of persons seeking employment is less than those who are wanted for employment, a rise of wages is inevitable, and the great prosperity of our mining and manufacturing interests has enabled the employed to obtain better terms from their employers, both in the shape of additional wages and a curtailment of the hours of work. But masters and workmen are alike too generally ignorant of the peremptory and paramount laws of political economy; they will finally regulate all contracts; and the best advice to the masters is, that they should cede to the reasonable demands of their servants; and to these latter that they should carefully guard their savings in the day of prosperity, as the day of adversity will assuredly come.

But there is a portion of the field of employment which is almost invariably overcrowded. It is that of clerks and assistants, who have prospects of a rise in their condition to which the artisan can seldom aspire or attain, and from the respectability of the position itself generally overstock the market. Education, especially the study of modern languages, will enable very many to enter the wide area which foreign commerce presents. And I would here mention, by the way, that the acquirement of languages, when properly directed, is a pleasurable as well as a profitable employment. It is not by books, by grammar, or by dictionaries, that languages are most easily or most thoroughly acquired. The tongue and the ear are the most efficient instruments, not the eyes. Let other idioms

be taught as we teach our children their own. They ought not to be perplexed with the intricacies of syntax, with the strange, and to a child utterly unintelligible words by which we denote the cases of nouns or the conjugations of verbs. If bad grammar or bad pronunciation has never been heard, it will never be uttered.

The condition of the agricultural labourer is in many respects most unenviable, and very difficult it is for him to raise himself from his low condition. He is little disposed, except under very severe pressure, to quit the soil where he was born, and which his father had cultivated before him, and the poorer he is the less able is he to migrate. He belongs to no organized societies to which he can look for relief in time of need; and the abuses no longer exist, or only on a small scale, which enabled the farmer to augment the labourer's pay by exacting, through the poor-rates, contributions from the public. Moreover, the farm labourers are, for the most part, very ignorant, and widely scattered; they have few or no intelligent representatives from among themselves; no press or papers of their own. But the better instructed workmen have not only their special clubs and unions connected with their particular trades, but they form part of an immense community, banded together by stringent rules, possessing considerable funds, having their recognised leaders, their newspapers, periodicals, pamphlets, and, moreover, exercising, as they must, great and increasing political influence, they are in constant communion with the leaders of public opinion in the various sections of the State. Whether a movement, lately indicated by the Speaker of the House of Commons, to introduce the co-operative principle into the sphere of agricultural labour will find the labourer *ripe* for its adoption—and here, as everywhere, "Ripeness is all"—is a question which time only can solve. There is a widely-spread feeling that something ought to be done, and a desire that effectual aid should be given. The agricultural power is of great weight in this country, and when it is discovered that there is to a vast extent a reciprocal interest which should bind landlord, tenant, and labourer in a common bond, the good work will proceed.

A time may arrive in which the field of vital statistics, especially as regards domestic economy, may be greatly extended; for example, what are the effects of particular sorts of food upon longevity. In this country there are classes—especially in the poorer agricultural districts—in which there is scarcely any and, in some cases, absolutely no consumption of animal food. Some hundreds of millions of the human race eat no animal food, and wholly abstain from intoxicating drinks. The consumption of

wheat is confined to a narrow circle; that of maize is probably greater, and assuredly that of rice very far greater indeed. I recollect being asked by a Chinaman what quantity of rice grew in our country? And when I told him "None!" "O wretched land," he replied; "you must be under the curse of heaven." How far the articles of food affect the corporeal powers of human beings it would be interesting to know. I have seen athletes among rice-feeders of India, China, and Japan, whose feats of strength could scarcely be equalled by European rivals; but these exceptional examples have been taller and stouter than the average size of the population. I have seen an African seize a fierce wild bull by the horns and fling him on the ground, keeping him there in a state of absolute subjection. And in the destruction which has menaced the potato crops it would be well if we better appreciated the value of maize and rice, as the high price of meat will recommend the use of Australian and South American preserved food.

I would not here neglect to observe that there are few matters less understood among the labouring classes than the art of cookery; for cookery is in itself a science which is closely connected with the economy and with the comforts of every family; and here, as elsewhere, waste is the result of incompetence. The English races are singularly backward in kitchen knowledge, which ought to form a part of the knowledge of every woman. Nor would it be amiss that men should know a little more about kitchen economy than our people. In visiting the camps of our soldiery in foreign countries, I was struck with the greater variety of small enjoyments which the French *militaire* provided for himself, especially in soups and salads, unknown to the English soldier. The French made little gardens in the neighbourhood of their tents; the English seldom or never.

It was said by a politician of some renown, that life would be very tolerable but for its pleasures; and to those whose lives are supposed to be devoted to the pursuit of pleasure, or who at least have no business to occupy their thoughts, pleasures become wearisome. Not so the healthy recreation of the labouring and middle classes, which are very inadequately provided in our social system; for not only do some gloomy moralists recommend abstention even from innocent enjoyments, but too little provision is made to furnish attractions for those whom idleness or the public-house too frequently wean away from what is rational or instructive. "Books and works, and healthful play," are recommended by him who has been called the poet of the sanctuary; and we live no longer in days when

a few manuscripts formed the libraries of the learned and the lordly. We have now an overflow of literature, even to embarrassment—literature of increasing value and attractiveness. Public libraries are becoming more and more popular.

A mass of novel information has lately been given to us from the agricultural statistics printed by the Board of Trade. As in countries where the capitation tax exists it is difficult to get returns, so in our own land there was great resistance among the farmers to the furnishing true information to the Government, lest that information should lead to the imposition of more taxes. It is, however, discovered in process of time that knowledge is a great promoter of the wellbeing of the public, as well as of the individuals who value it, study it, and apply it. The philosopher will busy himself with inquiries as to whether the same laws regulate the course of animal and vegetable life; how far, and in what matter, each can be made subservient to the improvement of the other; how far the soil, how far the seasons are available for the amelioration of the various types of existence? The tables will afford information to the landlord and the farmer as to comparative benefits of arable or pastoral cultivation; as to the state and numbers of live stock, and the proportion between supply and demand. These tables will throw light upon the various modes of agricultural management; the means of increasing produce by manure, or other appliances; they will exhibit the contrasts between the districts where advantage has been taken, and where not taken, of mechanical and scientific discoveries. For example, in this county of Devon, I had occasion to see from the books of a distinguished manufacturer of agricultural implements, what a small proportion had been introduced compared to those employed in better cultivated tracts in England and Scotland. Then again the contrasts between large and small farms, between the "poor simple scythe and spade" husbandry, and the husbandry which turns the largest and the most advanced experience to the best account. In a large portion of this wide and interesting field, the statistics are unmistakable, and will show not a doubtful but a positive light upon inquiry.

The statistics of emigration are a valuable contribution to the history of our race. Who could have fancied such a development of knowledge and of trade as that to which the settlement of a few individuals from England has led in the establishment of the United States, the Australian and Canadian colonies, and other distant regions? The growth of nations, the mingling of races, the decay, the disappearance or absorption of the inferior types of man, to give place to a constantly improving

model. Associated with these changes, the accession of words to language, necessitated by growing wants and extending civilization, the progress from dialects where the whole vocabulary scarcely exceeds a hundred and twenty words, up to the present state of knowledge, when perhaps six hundred thousand designations are required to nominate all the existences of animal and vegetable life, and all the distinct species which science has discovered in the multitudinous fields of research. With the extinction of races, the extinction of language or idioms must continue; and there can be little doubt that the increase of the population of the world will tend to the diminution of the lingual instruments of intercourse. In rude stages of existence the same language is confined to very small tribes: they perish together, or are blended with more influential elements, replaced by the richer and more useful languages spoken by many; and the time may be anticipated when the knowledge of no great number of languages will enable a man to communicate with the whole of his race of every clime and colour. The statesman will be asking for the *when*, for figures and dates, and calculation; the mere speculative philosopher will busy himself with the *how;* but each will assist the other in his inquiries. The Teutonic, with its German and Scandinavian branches; the English; the Latin-derived tongues like Spanish, Portuguese, Italian, and French; and the various idioms of the Slavonic, may even now be said almost to monopolize the European area; and it would require no great amount of study to obtain a tolerable mastery of every language popularly spoken in every capital from Lisbon to St. Petersburg, and these changes are far more rapid than might be supposed. Of the principal literary languages of Europe, there is not one that would be intelligible to an individual who lived seven or eight centuries ago. Who of us could hold a conversation with our Saxon ancestors? What would a Saxon of the time of the heptarchy make of the classical language of our modern historians? Literature no doubt stamps with less delible marks the progress of mind; and though no doubt ever-augmenting riches will go on the tongues of our descendants, it is quite possible that the pure well of English undefiled will have to receive multitudinous streams hereafter. The use of Chinese written language, understood by probably five hundred millions of men, and by far the oldest of living tongues, is rather likely to extend than to be diminished.

The post-office statistics are among the most instructive, as illustrating the development of trade growing from the facilities of intercourse. We have a pretty accurate knowledge of the number of letters received and despatched in the United King-

dom. It would be interesting were it possible to ascertain the amount of correspondence through the civilized world. In China there is no national post-office. When I was minister there, it required six months to receive an answer to a letter sent from Canton to Pekin. Thirty years ago, when my official duties took me to Upper Egypt, a messenger followed me for three weeks, in order to deliver a despatch from the Government. It would now require less than three days. And were it possible to estimate the circulation of newspapers, in this and other countries, this would certainly be, if not a test of civilization, an evidence of the amount of interest felt in public affairs.

The last published official returns exhibit the following results of post-office reform.

The number of post-offices in the United Kingdom is about 12,000; of road and pillar boxes, 8000.

The number of officials employed is 29,344.

The number of newspapers circulated by the post is about 99,000,000.

Of books, circulars, and pattern and sample packets, the last yearly return gives 103,000,000.

There was a considerable interruption of postal communication during the German-Franco war; it may be interesting to know that the number of pigeon mails despatched from London during November and December, 1870, and January, 1871, was 1234.

London has 9 daily deliveries, 3 towns have 8, 4 towns have 7, 6 towns have 6, 43 towns have 5, 63 towns have 4, 76 have 3, and 357 have 2 deliveries.

The number of letters delivered in Great Britain and Ireland in 1871 was 915,000,000; of these 3,300,000 were registered; an increase of 52,000,000 on the previous year; 75,000,000 of post-cards, and about 12,000,000 of telegraph messages.

The amounts paid on money orders, 21,949,086*l.* in the United Kingdom. The number of money-order offices is 4300.

The post-office provide medical attendance for all its servants, the average mortality being 7·5 per 1000.

The number of telegraphic messages sent in 1871 was about 240,000 per week.

The gross revenue for 1871 was 4,900,454*l.*

Total cost of post-office service, 2,559,797*l.*

Net revenue, 2,340,657*l.*

The electric telegraphs must not be forgotten. They have been, and will be yet more, the internationalizers, if the word may be used; they have done what the witchery of Shakespeare's *Ariel* was famed to do, girdled the earth in a few

minutes. It was my fortune to be present at the first exhibition of this wire power to the mandarins in China. Their curiosity was extreme, but it even became mingled with wonderment and alarm. The messages were sent from one extremity of the line to the other. "We understand it," they said: "You have a tube through which you have sent the message in a cannon ball;" but the promptitude with which an answer was returned, and the details given of what was doing at the farther end, which they had previously settled among themselves, and of which we could have no knowledge, utterly perplexed them, and they exclaimed, as the sole solution: "You and the devil understand one another, and there's an end of it."

Eleven millions seven hundred and sixty thousand telegraph messages were sent in 1871 by the post-office, of which the average charge, inclusive of porterage, was 1*s.* 1½*d.* Under the companies, the average charge was nearly 2*s.* 2*d.*

The deposits of savings-banks, so much aided by their association with the post-office, now amount to more than 4000, and hold more than 17,000,000*l.*; and the facilities given to depositors is one of the marked improvements of the age, and an evidence that numbers of the labouring class begin to understand the value of economy and the desirability of making some provision for what they call the "rainy day." It is to be hoped as they better understand their true interests, they will, instead of benefit clubs, in which they are so often robbed and deluded, be more and more disposed to avail themselves of the simple official machinery now made so acceptable. Benefit societies held at public-houses frequently bring with them the evils of intoxication, waste of money, and destruction of family happiness. These evils are beyond the reach of statistical research, and are, on the other hand, the comforts which grow out of a prudential, economizing, and far-sighted calculations.

Railway statistics can hardly be passed over in any review of the commercial position of nations, still less in their influences upon civilization, and their contributions to human enjoyment. If any one had ventured to prophesy two generations ago that more than 500,000,000*l.* sterling would be invested in a new mode of travelling by which (with far less risk than by the ancient conveyances) people were to be transported at the rate of from twenty to forty miles an hour, that iron roads would be constructed by which every considerable place in the United Kingdom would be connected with every other, and all the marvellous results, financial and moral, sketched out, the predictions would have been deemed as baseless as the promises

of the alchemists in the dark ages to make gold out of stones; but the wealth which has been produced out of stones, and timber, and iron, applied by science to purposes of locomotion, in the present and for the future, certainly exceeds in value all the gold and silver that circulates through the world. The wealth of Crœsus and of India may be estimated. Not so the riches which science has poured out from her ever-flowing streams. Contrast the caravan, conveying a few hundred weight of the merchandise of the East on the back of camels, requiring days of preparation for the journey, and the journey itself prosecuted through difficulty and danger, at the rate of two and a half miles per hour, for eight hours of the day, with the goods-train behind a locomotive-engine carrying hundreds of tons at a dozen miles an hour, collected and dispersed with all the facilities which machinery can apply. It is within my recollection that there were many roads leading to important places in this very country which no wheel-carriage could pass, and when everything was conveyed on the back of packhorses stumbling over the broken stones, and often merged in the deep mud.

Great improvements have of late years been introduced into railway accountancy; and as some general system will by-and-bye prevail, both shareholders and travellers will benefit by whatever tends to simplify the reports of receipts and expenditure. The great establishment of the railway clearing-house in London, in which all the principal railways have now their accounts examined, and the budget properly apportioned among the various companies, will become of great value for the unification of the modes of book-keeping, while the employment of the decimal and metric system will give additional security for the accuracy, while it provides the greatest simplicity of all the calculations involved.

If it be difficult to collect the statistics of misery and crime, still less accessible are those which represent the amount of social and individual happiness and virtue. In the midst of much ostentatious beneficence no doubt there are some who

> "Build a church to God and not to fame."

Charitable institutions blazen out the names and the benefactions of their supporters, and deeds of public munificence are frequently proclaimed by loud trumpets from exalted places. But what are these compared in their influence upon the general felicity with

> "The little nameless, unremembered acts
> Of kindness and of love,"

that brighten the domestic hearth? Who can form any estimate—even approximative—of the pleasures created, of the pains alleviated or averted, by those constant daily solicitudes and attentions exhibited in the fraternal and filial, the brotherly and sisterly, and other family affections?

> "The charities which warm and bless
> Are scattered at the feet of man like flowers."

Then, again, the thought is lost in the immeasurable, for the question might embrace all tribes and tongues, all religions, all usages. Here, as everywhere, the fields of exploration are limitless, and curiosity may find food for every speculation.

There can be no doubt that, on the whole, public morals are improving. The Secretary of State declared emphatically at the International Prison Congress, that whether from the progress of education, the increase of natural prosperity, the greater demand and better reward for labour, there has been a considerable diminution of crimes, notwithstanding a progressive increase in the population.

The published statistics confirm this satisfactory statement.

The commitment of adults in 1870 were 147,225; in 1871 they were 140,127, a diminution of about 5 per cent.; of youths under sixteen there were committed in 1870, 9988; in 1871, 8977; a diminution of 10 per cent.

In the sixty-five reformatories of England and Scotland, in which are 5419 boys and girls, besides 1049 out on licence preparatory to discharge, it is estimated that of the whole nearly 70 per cent. are rescued and reformed. We have thus subjects of consolation in the midst of our doubts and difficulties, certainly enough to reward and encourage perseverance.

It is true that statistics fail us on a very large portion of the social field. Take the case of intemperance: we can follow some of the mischief it produces: where the drunkard is brought before the magistrate to be punished for his inebrity or from crimes committed under its influences, in all their grades from common assaults up to manslaughter or murder; but what statistics can reach all the consequences in domestic misery, cruelty to wife, neglect of children, loss of wages, loss of health, loss of reputation. How can statistics pursue the results of crime in their multitudinous ramifications? The criminals who are handed by the police to the sessions or assizes may be grouped together; their numbers, their cost, their offences, their sentences, their committals, and other tangible and recordable facts may be attested for the instruction of the magistrate and the lawgiver. But how imperfect are the statistics which

would record the unsuspected, the undetected, the unconvicted misdoers, who escape the control of public opinion, or the action of the law? You may have the statistics of colleges and schools, and show, however imperfectly, what has been done in the education of the people; but by what machinery can you exhibit the whole extent of ignorance and the amount of mischief caused by the presence and influence of that demon of darkness which has been not improperly called "the father of evil," "the scourge of society"? Valuable, indeed, would be such statistics if obtainable for our guidance and governance; but because they are not obtainable, because there must be inapproachable regions in the vast areas of social inquiry, is that a reason why we should not gather together the facts which are accessible to us? Is it not rather a reason for our doing so, that we should do what we can, that we cannot do all that we would?

If we take the statistics of drunkenness, we may find some of the materials nearly complete, such as the quantity of alcoholic drinks produced and consumed, for that which does not pay duty is so comparatively small that it forms an element scarcely worth consideration; and we may follow to some extent the distribution of the liquids among the community; but when we inquire what portion is usefully and healthfully used, what innocently or without salutary or sanitary effects, and what perniciously or destructively, no satisfactory figures can ever be obtained. The police records of sessions and assizes enable us to state how many are accused and convicted of drunkenness, but we are much in the dark as to the multitudes that escape the cognizance of the constable, though it may be assuredly assumed that they greatly exceed those who figure in the police returns. It might be possible to form an approximative estimate of the number of those who frequent public-houses, and the proportion among them who indulge in drinking to excess; but who can penetrate into private homes, and state how much there is of social and how much of solitary inebriety; who can pourtray the mischiefs and miseries which the abstraction of money for the purposes of drink has caused in the diminution of the supplies of the comforts and luxuries, to say nothing of the necessaries of life? What innocent pleasures might not have been enjoyed, what instructive books might not have been read, what becoming garments instead of disgraceful rags might not have been worn, what wholesome food and drink instead of pestilent poison, what happy well ordered homes, instead of offensive hovels, broken furniture, foul beds, and all the attendants of wretchedness and woe!

But here, as elsewhere, I may be accused of wandering into the domains of science, and of debating questions which more specially belong to other departments than that to which these observations are devoted. But is it not true that all the departments of science are affiliated to and connected with one another, and that in all that concerns this material world, statistics are very valuable auxiliaries wherever facts are associated with figures? And how small a portion of the field is there in which figures do not or may not form an important element! And the nearer figures can be brought to represent or approximate to facts, the more accurate will be the conception of what is, or ought to be. Mathematics and algebra; nay, poetry, music, painting, sculpture, and architecture, themselves represent proportions which bear a direct relation to numbers, and by the use of mathematical signs will be better conceived. The fanciful song of the bard bears the title of numbers as much as does the grave enumeration of the people in the Pentateuch, or in the returns of the Registrar-General. Advocates are disposed no doubt to overestimate the value of their own art or science; but the important position which statistics, in their multitudinous forms and varieties, now occupy, will serve, it is hoped, as a justification, at all events an apology, in the character of this address.

The statistics of lunacy or imbecility of intellect, in connection with our criminal population, is well worthy of inquiry. Many of our very eminent judicial functionaries, while recognising among the dangerous classes much craft and cunning, have also observed that the general character of criminals, whether from indifferent or no education, or from not always traceable causes, are intellectually much under the average standard. In the convict prison of Millbank, the average of insane, weak-minded persons exceeds 20 per cent. In Perth prison it is officially reported that one out of every nine is more or less insane, and one out of every 140 irresponsibly so. The judicial statistics (1867-8) show that 1244 criminal lunatics became or were found insane after sentence—a remarkable evidence of the averment that solitary confinement very frequently leads to a disordered brain. Of 664 tried for murder, 108 were legally pronounced insane. The theories which connect insanity with crime, whether they involve irresponsibility or mitigation of penalty, are, though often contradictory, best to be solved by the facts which statistical investigation may gather together.

Second to none and superior to most in importance are the statistics of education. The cost of our schools would present interesting questions as to the results produced by the ex-

penditure in the various establishments. The information possessed as to the pecuniary resources of many of our public schools is very fragmentary and unsatisfactory, but quite enough to show the desirableness of a more efficient revision and control. It would be possible to institute investigations as to the expenditure incurred and the benefits conferred. And after ascertaining what has been done, comes the still more important question, as to what ought to be done, both for adults and for the young. What are the numbers of those who are utterly abandoned? At what cost can they be provided for? And how best provided for? The statistics of education enforced by law may be studied on the Prussian returns; but most advantageously perhaps in the Canton of Appenzel, where an uneducated person is scarcely to be found, and where the sums applied to public instruction exceed the amounts expended on all the other departments of the State. Some of the United States of America, particularly Massachusetts, could afford more instructive statistical details.

Pope says, wisely, "The proper study of mankind is man." Not only man in masses, but men as individuals. To discover the special tendencies and aptitudes of a child, with a view to their guidance and development, is to give the child the best chances of success in the future struggles of life. As the same medicine will not suit different diseases, so the discipline which encourages, controls, or corrects, should be suited to the individual character.

Bankruptcy returns occupy an important place in the field of commercial inquiry. The number of bankrupts; the amount of their debts; the causes of the inefficiency of the laws which fail to protect the creditor against the fraudulent debtor; the aptitude of the machinery created for giving effect to those laws. For these and similar inquiries statistics afford the only safe foundation for legislation.

The number of books collected in the great libraries represent the gathered wisdom of the past, and the number of volumes is pretty accurately ascertained. But the quantity of books published in different countries is very imperfectly known, and of those deemed worthy of translation the list is very small. Of the least known and studied languages of the world, the literature is almost ignored in the great interchange of minds; but as the valuable books in the most accessible idioms are explored and exhausted, attention will no doubt be turned to regions less visited. The statistics of books published in different regions may furnish pabulum for future authors.

May not the study of statistics have a moralizing effect upon

public opinion? May it not influence sovereigns and legislators when the cost of great national evils, and sometimes of great national crimes, is taken into account? Ask, for example, the returns of the waste of human life, of the sacrifices of money, which we owe to the devastation of war—though these sacrifices are not confined to statistical tables, but ramify into all the branches of human suffering—and it is hoped that the startling facts in figures which have been published connected with international hostilities, may not be deemed inappropriate, as they certainly cannot fail to be instructive.

Sir Walter Trevelyan has expressed an opinion that government in our army system encourages intemperance and vice. He states that the expense of enforcing the Contagious Diseases Act has increased in one year from 28,000*l.* to 40,000*l.*, and the hospital rates from 275,589*l.* to 380,771*l.* The recruiting in public-houses, the bad character of the enlisted, the habits of drunkenness, the allowance of beer money to the soldiers, and the Prince Regent's allowance of his pint of wine to the officers, are all contributory to the habits of inebrity, while debauchery itself has received a sort of public sanction under the idea that it is preventive of greater evils.

The law which releases a soldier from any responsibility to maintain his family, or to provide for his illegitimate children, has served to protect, and even to encourage, immorality.

If the speculations of astronomy and geography, infinite in their extent as they seem to be, are gathered into the regions of arithmetical calculation, not less are the phenomena of life—descending into the limitless depths of microscopical observation—destined to be brought into the statistical area. The millions of animated beings which dwell in a drop of water, or are bred upon the covering of a fly, will be subject to calculations like the pollen of a flower, the roe of a herring; the distance, magnitude, or number of heavenly bodies; or the processes by which all that is has been brought down from all that was, in the grand continuity whose origin is untraceable. Professor Huxley feels, as every one, the use, not to say the necessity, of employing figures, to present points of comparison or notions of extent. In these days we give a wider range to these thoughts which appeared mysterious to the half-instructed, and were utterly unintelligible to the vulgar—such as the great truth that "everything is in everything"—which is, in fact, but to say that there is all-controlling influence, a common law, which some call providence, and others fate, but which holds in subjection all space, all time, and whatever belongs to either. Happily, to every being is given a work to do—a purpose to

fulfil; and the succession of human beings, generation after generation, are but some of the multitudinous instruments for effecting the great but inevitable result.

Another section of the Association has been engaged in discussing the great questions of International Law and International Arbitration. These questions are so intimately connected with economical and commercial interests, that I should have ventured to supplement what I have said by some remarks on what has happily become one of the most interesting and exciting topics of the day. It is obvious that a reference to a friendly and well-constituted tribunal for the settlement of matters which have so frequently led to the "outslip of the dogs of war," could not but greatly serve the interests of economy and commerce—nothing can be more opposed than war to the cultivation of brotherly affections, nor to the extension of trade. Civilization has done something, much less than it ought to have done, for the suppression of internecine quarrels; it has more effectually broken down the barriers which separated town from town, district from district, province from province, which are now almost universally allowed to trade with one another. Every reason which justifies the removal of local restrictions applies to the Custom-house codes of nations; and, if not for the adjacent present, we may anticipate for a remoter future the abolition of tariffs grounded on a supposed hostility of interests—an hostility which has no foundation in fact. I will only say that Bentham, whom Talleyrand called the wisest man he had ever known, has laid down the foundation of a system of international law, with proper machinery for enforcing a code, with a view to accommodating general principles to the different conditions of national law. He would have tribunals of war as well as tribunals of peace. The principle of arbitration has been recognised by Austria, Italy, Sweden, Spain, Belgium, and others. Let due honour be done to Leopold I., who took the initiative in this important matter. The melancholy history of the treaties which have been negotiated during the last two or three centuries will show that arrangements hostile to national and international interests have been scattered to the winds. The pressure of necessities, misunderstandings with great nations, have introduced an era little anticipated by the last generation. With Lord Palmerston, all argument failed: he insisted that Great Britain was sufficiently strong to obtain the recognition of her rights and the redress of her wrongs. The voice of reason, truth, and justice have spoken authoritatively at Geneva, and its echoes will be heard through the civilized world.

SELECT PAPERS,

NOTICES OF PAPERS,

DISCUSSIONS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

INTERNATIONAL AND MUNICIPAL LAW.

EVIDENCE OF ACCUSED PERSONS.*

Is it desirable that defendants in Criminal Proceedings should be competent or compellable to give evidence in their own behalf, or on behalf of or against others jointly indicted? And is it desirable that the husband or wife of an indicted prisoner should be competent or compellable to give evidence in favour of, or against the accused, or any person jointly indicted? By ALFRED WADDILOVE, D.C.L.

IT may now seem scarcely credible that it is only within a period of six-and-thirty years that a prisoner on his trial for felony has been allowed to be defended by counsel. Save on a point of law, proper in the judgment of the Court to be debated, or in cases of high treason, was any one permitted to address the jury in his defence. The judge, it was averred, was counsel for the prisoner. I remember to have read, that on the complaint of a prisoner that he had no one to plead for him, the judge replied, "I am counsel for you." Whereupon the prisoner answered, alluding to a question put by the judge to a witness, "If you had been my counsel, my lord, you would not have put that question." Now, however, prisoners are allowed full latitude for their defence; and ofttimes, if not generally, in the more serious offences, if the prisoner has not himself employed an advocate, the judge assigns him one out of those present in court, and to the credit of the Bar be it said, that duty is discharged with as much energy and ability as if encouraged by a retaining fee. In the year 1836, an Act was passed † enabling prisoners to employ counsel to defend them. Its preamble runs thus—"Whereas it is just and reasonable that persons accused of offences against the law

* See *Transactions*, 1865, p 133; *Sessional Proceedings*, 1871-2, pp. 223, 271.
† 6 & 7 Wm. IV. c. 114.

should be enabled to make their full answer and defence to all that is alleged against them."

And I trust the day is not far distant when another step will be made in the path of justice, so as to enable prisoners on their trial to depose on oath in their own defence. The hope that this will be effected is encouraged by the gradual removal of restraints on testimony within the last forty years. First came the question of interest in the result of the trial or crime in the witness. Next, the question of the incompetency of parties in civil actions to give evidence on their own behalf; and latterly, plaintiffs and defendants in breach of promise of marriage cases have been allowed to give evidence in support or defence of the action. Petitioners, respondent, and co-respondent in the Divorce Court have also been allowed each to give evidence, although adultery or not is the very issue to be tried. There thus remain but two important restraints on testimony, both of which are included in the questions which head this paper. First, then, as to the admission of evidence tendered by the prisoner himself. This question is by no means a novel one to the members of this Society; twice has it been a subject for discussion. At Glasgow, in 1860, a paper was read by Mr. Pitt Taylor, the well-known authority on evidence, advocating the admission of prisoners' evidence and that of wives and husbands. A similar paper was read at Sheffield, in 1865. Although its efforts have not been so successful as to extend to the questions before us, still I think this Society may, without arrogance, claim some share in causing the changes in breach of promise of marriage cases and in cases before the Divorce Court. "Non vi sed sæpe cadendo gutta cavat lapidem." It is only by constant and repeated efforts that law reform has been eventually accomplished.

If the object of a judicial inquiry be to elicit the truth, surely it is but reasonable that all evidence which can tend to that result should be received and obtained if possible. "Evidence," wrote Jeremy Bentham, "is the basis of justice: to exclude evidence is to exclude justice." Hear everybody who can throw any light on the matter, and first of all those who are likely to know most about it, the parties, and this we now do in civil actions. When a criminal trial takes place the witnesses for the prosecution are heard; they may be cross-examined by the prisoner's counsel or himself if he has no counsel; but he cannot speak on his oath against theirs. His counsel, it is true, or he himself, if he have no counsel, may explain or endeavour to refute what they have said, but there is then nothing beyond assertion to vouch for their truth, and juries naturally attach less weight to a statement than to evidence on oath. It is, however, within the discretion of the judge whether he will allow the prisoner to make any statement during the trial. A remarkable result from such a permission was stated by an eminent Queen's Counsel,* when this question was formerly before this

* Mr. W. Forsyth, Q.C.

Society, who presided on the occasion. "I remember," he says, 'in the case of a man tried for murder at Liverpool, the circumstantial evidence against him was of the strongest possible kind; the prisoner was defended by counsel; but notwithstanding, he asked to be allowed to make a statement in explanation of the evidence against him. His counsel said to him, 'For God's sake don't do so, or you will hang yourself.' The prisoner insisted on doing so, and the judge allowed him. The jury heard his statement, which, with his demeanour, made such an impression on them, that they acquitted the man." Jeremy Bentham aptly describes the injustice and impolicy of our present system. In his "Rationale of Judicial Evidence," he says: "When the evidence comes to be given at the trial, the witness tells you what story he pleases; as for you, you must not open your mouth to contradict him, although were you permitted to state what passed it might be in your power to satisfy the judge that the account given by the witness could not possibly be true." In language equally pertinent it has been said, "the person (*i.e.*, the prisoner) who must know more about the matter in question than any one else is not allowed to throw any light on it."

Sir Joseph Napier, an ex-Chancellor of Ireland, remarks, "Although parties in a civil suit are competent and compellable to give evidence in that suit, an accused person cannot be called as a witness in his own behalf in a criminal proceeding. An accomplice in a murder, who becomes an approver (in common language, turns king's evidence, interested on earning a full pardon by proving his accomplice's guilt) is a competent witness. The party accused is indeed permitted to make a statement, but he cannot maintain it by his oath, nor submit it to the test of cross-examination; so that if it be true, its value is unjustly depreciated. There is no case I am confident in which an innocent man who is put upon his trial does not feel the injustice of the existing law. There are cases in which no one but the accused could expose the falsity of the accusation, and there are cases also in which the accusation would not have been made, not, perhaps, even contemplated." I make no comment on language so pertinent, and to my mind so conclusive.

It is well known to us all that cases have recently occurred in which the person charged with the offence being unable to depose in his own defence has been convicted; whereas by another mode of trial, viz., in a charge of perjury against the principal witness in support of the conviction, the convicted person has in that trial established his innocence, because he himself could on oath give evidence in his own exculpation.

In the cases to which I refer the sentence was imprisonment or penal servitude, where the convict had an opportunity of proving his innocence by the time afforded him for so doing; but if the sentence had been death, it is doubtful whether he could have made the attempt. I allude to Mr. Hatch's case, and that of Madame Valentine. Others will occur to you. The recent case of the

Eltham murder was a remarkable instance in point. A man was put on his trial, charged with the murder of a young woman. He was acquitted; but some pamphlets and newspaper articles were published, tending to throw doubt on his innocence. He sued the authors in actions for libel, as imputing that he was guilty of the crime for which he had been tried and acquitted. In that trial he could appear as a witness; he did so, and underwent a long cross-examination; the jury gave him a verdict with 50*l.* damages; although he was the only witness produced, it was virtually a re-trial, and it may be fairly assumed that if he had been allowed to give his evidence on the trial for murder the verdict would have been the same, and would have met with no disapprobation. But be that as it may, here were two tribunals in collision with each other as to the reception of evidence, which compelled a man alleging himself to be innocent to have his case practically *retried.*

A recent trial* before the Central Criminal Court also shows the effect of the exclusion of the prisoner's testimony in a remarkable manner. I will merely give the facts of the case, leaving you to draw your own conclusions. Three young men were put on their trial for rape; they were convicted, and sentenced each to twenty years' penal servitude; the girl, the subject of the offence, being the principal witness. She, at the instance of some friends of the convicts, was indicted, and put on her trial for perjury, as having sworn falsely on the trial. Among other witnesses to disprove the truth of the charge upon which the men had been found guilty, they themselves, now competent witnesses, were examined and cross-examined. If their evidence was to be believed (and their cross-examination did not shake it), they were innocent of the offence of rape, although they admitted that they were parties to an indecent assault. The judge commenced his summing up by telling the jury that "practically this was a retrial of the three young men," without saying a word as to their guilt, although the jury had found them guilty of rape. Had these men been examined on their own trial they would in all probability have been found guilty only of an aggravated indecent assault, and not been sentenced to twenty years' penal servitude. In the Tichborne case, the claimant, in support of his civil rights, was examined and cross-examined; but if he is put on his trial for perjury or forgery, he cannot be heard on his oath.

There is one palpable abuse of justice arising from closing the mouth of the accused, to which I must briefly refer. In some cases it is within the power of a complainant to proceed either in a civil or criminal court, at his option; the most flagrant is that of libel. If the trial take place in a civil court, *e.g.*, for damages, the defendant as well as the plaintiff can be heard; if the defendant pleads, as is often the case, justification: in other words, that what he has stated to the prejudice of the plaintiff is true, he can be heard on

* Kinnear's case, August 24, 1872.

oath in support of his plea; but if, on the other hand, the trial is heard in a criminal court, and punishment, not damages, is sought, the defendant cannot be heard on oath, either to remove the libellous nature of his statement by explanation or assertion of its truth, to prevent or mitigate his punishment. So that it is in the power of a person to select a tribunal in which he may give his own testimony without fear of contradiction, to the prejudice of his adversary, and ofttimes to the defeat of justice. I would then urge that defendants in criminal proceedings should be competent, but not compellable, to give evidence on their own behalf. As to the collateral question whether they should give evidence on behalf of others jointly indicted, it appears to me that if they can do so on their own behalf, they ought to be allowed to do so for others; but I have not gone into that subject. I must now, in justice to those who take a different view of these questions than that advocated by this paper, refer to some of the objections to the admission of a prisoner's evidence. It is said with truth, that if he is examined he must, if thought desirable by the prosecution, be cross-examined, and that a nervous or stupid person will, on his cross-examination, even if innocent, tend to confirm the suspicions against him. It is of course impossible to refute a possible contingency of this kind; but I would answer that an innocent person would, if the evidence appeared strong against him, be only too anxious, notwithstanding the frailty of his nervous system or his ignorance, to submit to examination. His own counsel could, on re-examination, repair any blunders he may have made in his confusion, and prevent the chief anticipated evil—self-crimination. And here I would ask, why should not a *guilty* man criminate himself? "Habemus reum confitentem," was the maxim of the civil law, and confession must ever stand as the strongest proof of guilt. Again it has been objected, that if a prisoner does not tender himself as a witness, it will be inferred that he is guilty. I would reply, it is only the guilty who would not do so.

Another and a more important objection to any change in our present rule is, that the cross-examination of a prisoner would be as unjust (to our notions) as the French system of interrogation; but any one conversant with the latitude indulged in by the Procureur de Roi (as he was once called), compared with our own lenient stringency in favour of the prisoner, would see that there is no fear that our cross-examinations would become, as the French system has not inaptly been described, a moral torture. Doubtless those in favour of a continuance of our present system, will press these objections more forcibly than I have, and may have others still more cogent.

The next question is, "Whether husbands and wives should be competent and compellable to give evidence in criminal proceedings." I omit for the present the question of compulsion. Let us consider this question in its moral, social, and political aspects Moral as regards the interest and feelings of the parties themselves. Social as regards the interests of society. Political as regards the

interest of the State in preserving its consistency of action, and the due administration of justice. But before doing so let us discover, if we can, the origin and reason of the existing rule. Like many of our legal maxims, we must take it for granted. *Mos pro lege* must be our refuge. Lord Coke tells us that a wife cannot be produced either for or against her husband, *Quia sunt duæ animæ in carne una.* Other judges, including Lord Hardwicke, have adopted the maxim, who in doing so said, "The reason is to preserve the peace of families, and therefore I shall never encourage such a consent." But we have an authority in another direction, older and higher than that of Lord Coke or his followers. We read in Holy Writ, that "Ananias, with Sapphira his wife, sold a possession, and kept back part of the price, his wife also being privy to it." The result we well know. We also read that shortly afterwards Sapphira, not knowing what was done, was told by St. Peter to say whether they had sold the land for so much, and she replied, "Yea, for so much;" confirming the falsehood of her husband. St. Peter then said to her, "How is it that ye have agreed together to tempt the Spirit of the Lord?"

As to the parties themselves, doubtless it is very desirable that the affection and harmony which ought to exist between husband and wife should not be idly jeopardized by the one appearing as a witness *against* the other; but we must, on the other hand, bear in mind that affection and harmony may often be more firmly cemented by their appearing *for* each other, and if they can do the one they must do the other. It may be said, temptation to perjury is encouraged thereby; but we have abandoned that consideration in civil cases, and we do not allow it to operate in some criminal cases. In cases of assault, married parties are sentenced to fine and imprisonment on the testimony of each other, and no objection is raised. In cases of desertion the wife appears against the husband. In suits for necessaries supplied to the wife, both wife and husband may be witnesses.

An Act has recently been passed "to restrain the sale of intoxicating liquors." It is provided that in proceedings against the owners of public-houses, not only they themselves shall be competent, though not compellable, to give evidence in their defence, but their wives also; and it is worthy of remark that the admission of the wife's evidence was moved by the Recorder of London, than whom, it may be said, no judge has had more experience in criminal matters.

Brothers and sisters, parents and children, are admissible witnesses for or against each; and the distinction in respect of husbands and wives is, I conceive, based on sentiment rather than on reason and justice. As to the interests of society, assuming that the object of every judicial inquiry is the discovery of truth, and that punishment in some shape ought to follow the wrongdoer or the guilty, the same principle as to the exclusion of the evidence of prisoners applies to that of husbands and wives. The ends of justice are impaired if not defeated to the detriment of the social community, and the disparagement of the judicial office. The innocent may suffer

and the guilty may escape. *Judex damnatur cum nocens absolvitur.*

The political aspect of this question requires a wider and more comprehensive view, and I must illustrate it by a few instances of the effects of the present rule of exclusion.

Two men, both married, have committed the same offence; in the case of one there is evidence sufficient to convict him without that of his wife. In the case of the other, his wife is the only person whose evidence would prove his guilt, but she must not be heard, so the latter escapes punishment, the former does not. Again, two men may be tried for a joint offence—burglary or poaching, *e.g.* The one is married, the other is living in concubinage; both could be proved to be at home at the time their offence was alleged to have been committed. The woman living in sin proves her paramour's *alibi*, the lawful wife must not prove that of her husband. In the case of Rush, who was convicted of the murder of Mr. Jermy, in the year 1849; he was found guilty chiefly on the evidence of the woman with whom he cohabited. The judge,* in passing sentence on him, said that if he had not been living in sin, in other words, if the woman he lived with had been his wife, he would in all probability have not been pronounced guilty, as the woman could not then have appeared against him. At Chester, at the last Assize, a man was charged with perjury in an affiliation case; he was committed for trial, and was, I presume, out on bail. The day before his trial he married the woman; she was then his wife, and could not appear against him. The prosecution of course failed.† Could there be a greater mockery of justice? In trials for bigamy, the woman with whom the second marriage is had is a competent witness, because *prima facie* she is not the legal wife; but she may in fact be so, as the first marriage may from some impediment have been illegal, or if not, she may be as much attached to the delinquent as if she were a true and legal spouse. These are cases, and there are many others, showing the evils arising from our rule of excluding the testimony of married parties in criminal proceedings; and those evils, in my humble judgment, outweigh those which may result from the violation of matrimonial confidence. Jeremy Bentham, in his "Rationale of Judicial Evidence," fully discusses the question in a practical as well as a philosophical view. Let those who would still prevent husbands and wives from becoming witnesses in criminal cases turn to his pages; and those who also object to prisoners themselves giving evidence, read Mr. Pitt Taylor's cogent words in the published volume of the Society's *Transactions* for 1860. The preamble of the Act‡ enabling parties in breach of promise of marriage cases to give evidence, and parties as well as their husbands and wives in any proceeding instituted in consequence of adultery, is, "Whereas the discovery of truth in courts of justice has been signally promoted by the re-

* Baron Rolfe, at the Norwich Assizes.

† Reg. *v.* Ewens, *Times*, August 10, 1872.

‡ 32 & 33 Vict., c. 98.

moval of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence, with the object of still further promoting such discovery."

These words have encouraged me in the view I take of these questions, and I would add that in all cases such evidence should be admissible. As evidence of the tone of feeling on these two questions, I must invoke a Bill brought into Parliament in the last Session at the suggestion, as we have been given to understand, of an Irish judge,* and who approved of its provisions. Its title is, "A Bill to Amend the Law of Evidence." Two of its clauses involve the questions before us. One rendering a prisoner competent, but *not compellable*, to give evidence on his own behalf. The other rendering husbands and wives in every proceeding, both civil and criminal, competent and *compellable* to give evidence for and against each other. Here I would observe a distinction as to compulsion is drawn between a prisoner and husband and wife, and as I conceive justly. A prisoner has only his own interest to consult, and should therefore be allowed to tender his evidence or not as he thinks fit. A husband and wife, although in legal theory one, are practically two persons; and if the prosecution requires the evidence of either, it ought to have it; and if the alleged offender wants the evidence of husband or wife, he or she ought in justice to have it. The Bill was brought in by two private members, and went no farther than its first reading. It was merely a tentative measure, and was never intended to be proceeded with. Whether it will be again introduced must remain a question. The learned Attorney-General, however, who has done us the honour of presiding over this Section, has stated in his place in Parliament, and in his recent comprehensive address to us, that he intends in the next Session to call the attention of the House of Commons to the law of evidence. In so doing it can scarcely be supposed that the questions submitted to this Section can remain untouched, but that rather they will undergo a full and ample discussion. Let us await the result with confidence.

Mr. T. C. Brian also read a paper on the subject. He spoke of the growing tendency of late years on the part of our law-makers to relax the existing stringent prohibitions as to interested parties giving evidence, and called attention to the fact that both plaintiff and defendant in civil suits were admitted now to the witness-box. In affiliation cases, also, the defendant was made a competent witness on either side, and he contended that, except in cases strictly criminal and indictable, there were few coming within magisterial jurisdiction in which the defendant might not with advantage be admitted as a witness. He further contended that the charge of interest bore as

* Judge Lawson, who filled the office of Attorney-General, and had, therefore, much experience in criminal trials.

much against informers as against the defendants themselves; and he was of opinion that the evidence of defendants should be admitted in all those cases where it was a mere accident whether the person brought a civil action or instituted criminal proceedings, such as cases of libel or assault; but in the case of prisoners charged with felony, he did not think it would be at all to their advantage that they should be allowed to give evidence on oath. The proposal to allow prisoners to be sworn was not improved by the suggestion that admission to give evidence should be optional, and he quoted an instance to show that if a prisoner declined to give evidence, the effect on the jury would be unfavourable. In conclusion, he expressed the hope that the time might speedily arrive when, for the most part, defendants in magisterial cases (otherwise than criminals) would be able to be sworn, but that the time might be far distant when the unseemly spectacle shall be presented in our English courts of a prisoner, perhaps in a grave case, such as murder, being subjected to the painful and searching ordeal of cross-examination.

DISCUSSION.

Mr. J. W. Batten (London) doubted whether any advantage would accrue to the examination of prisoners, in criminal cases especially. The cross-examination of an ignorant prisoner on a capital charge would reduce him to such a state of nervousness, that it would be impossible to attach the least value to his answers.

Mr. H. S. Stokes (Bodmin), having had some experience as an attorney and clerk of the peace for the county of Cornwall, doubted very much whether it would be an advantage to the prisoner himself to compel him to give evidence. Some supposed that many accused persons had been convicted because their mouths had been shut, and they had not been allowed to give evidence with the view of establishing their innocence. To entertain such a notion as this was to suppose that the law had been most unrighteously administered. He protested against any such supposition, and firmly believed that in ninety-nine cases out of 100 perfect justice was done to prisoners. In the hundredth case the evidence of the prisoner might have affected the verdict, but he was not prepared to admit that it would. Under the present law, prisoners were given every opportunity of addressing the jury in their defence, either themselves or by counsel, so that they had every opportunity of stating all they thought fit in their defence, and their statement, if made with the appearance of truth, usually had full weight with the judge and jury. If, however, they were called upon to give evidence on oath, it would follow that they would be cross-examined, and in cases where prisoners were used to the procedure of the courts, their evidence would probably be looked upon with suspicion, and the temptation to commit perjury would be insurmountable in the majority of cases. The relaxation of the rules of evidence hitherto, however good they might have been, had tended to induce men to commit perjury. County court witnesses, influenced by interest, and perhaps by the laxity with which the oath in civil cases was regarded as compared with the oath in criminal cases, seemed to be perfectly reckless. The universal experience of county court judges was, that perjury was lamentably common. The true principle in all legislation on this subject should be, if possible, to remove the temptation to perjury; for although it was impossible altogether to prevent perjury being committed, opportunity should not be afforded by the relaxation of the rules of evidence for committing it. His experience led him to believe that a guilty man would be found guilty as often by his own testimony as by the testimony of others. Upon the question as affecting cases before magistrates, no one having had experience in

magisterial courts would have failed to notice the unfairness of excluding from a case the only testimony which could be given in explanation of the charge. Cases were constantly occurring in which magistrates excluded from giving evidence the only person who could give a true statement of the case, simply because that person was technically in the dock.

Mr. JOHN WESTLAKE (London) said: I cannot resist coming to the conclusion that in all criminal cases prisoners should be permitted, though not compelled, to give evidence. It is extraordinary how this question is prejudiced in the minds of Englishmen by the disgraceful scenes which occur in France; but there are cardinal differences between the administration of the law here and there, which should prevent us leaping at once to the conclusion that such scenes would be reproduced here. In most cases in France the trial is not presided over by a person who has any pretence to impartiality. He is a member of the civil service; in general he has never practised as an advocate, and if at all, for only a short time. He has either commenced his career in the civil service, or has entered it very soon after the commencement of his career; he has risen by steps in the civil service, has come to identify himself with the profession of a judge, and in that position he is constantly hoping for preferment. He sits in the presence of the Procureur du Roi, who is also intimately connected with the Administration, who is generally a bigger man than himself, and upon whose report of the trial he knows his own claim of promotion will very much depend. That is not the person before whom a prisoner, whether examined by him or not, can expect an impartial trial. Then, the examination of the prisoner is conducted not by counsel, but by the judge, whose position I have described. It is but natural that a person trying to elicit some story from the prisoner should more or less get into altercation with him. By trusting the examination to the judge, you at once put the prisoner into an antagonistic position with regard to him, although he is the only person who can theoretically protect him. Examined by counsel, he would have the protection of the one impartial agent in the trial, the judge. The fear of an adverse public opinion would do much to prevent counsel taking an unfair advantage of a prisoner; but even if the counsel were regardless of public opinion, there would in England be upon the spot a judge, impartial, as we know English judges are, who, inasmuch as he would not examine the prisoner himself, would not be mixed up with the altercation which it would be his duty to check. We may, therefore, consider the question on its own intrinsic merits, without fear of French results flowing from it. Now, a great concession is made when people admit the principle for which we contend in respect of magisterial cases. There was an inconsistency in Mr. Stokes's remarks, when he referred to the relative value of a prisoner's statement as a witness upon oath, or his statement as a prisoner under the present system. The jury has just as much reason to suspect a prisoner's statement not made on oath, as if it were made on oath, and would not that bias be corrected by the test of cross-examination? Although our present system generally succeeds in convicting the guilty, and generally in acquitting the innocent, yet it does not in these nicely-balanced cases give to an innocent person that security which he would have if he were allowed to offer himself as a witness. And we must remember that his statement or explanation is not always put forward by his own mouth, but more often is stated in the shape of a suggestion by his counsel, as the theory upon which the counsel bases the defence. The jury would naturally look with great suspicion upon this; because the counsel is a man of trained ingenuity, expressly employed for the purpose of putting forward some theory of defence. Surely any person who knows he is innocent would like to tell his own story on oath, and have it subjected to the test of cross-examination under the protection of the judge. It has been said we cannot stop short at allowing the prisoner to offer himself as a witness; we must, if we do anything, make him subject to all the conditions to which ordinary witnesses are subject. I would not object to a prisoner being compelled to give evidence, but I do not see the logical connection between the two propositions. What the choice would be in the case of an innocent person I cannot for a moment doubt.

Mr. CHRISTOPHER CHILDS (Liskeard) pointed out how tender the law of England had always been to the prisoner, and emphatically objected to the proposal of Dr. Waddilove.

Mr. A. Rooker (Plymouth) said the question must not be argued on the presumption that it was necessary at all hazards to protect the prisoner. The true aim was perfect fairness, with a view to procure an acquittal or a conviction, according as one or the other was right. Mr. Stokes had remarked upon the fact that the mere statement of the prisoner in many cases influenced the decision. Supposing that to be so, there was an evident contradiction. The statement was either evidence or it was not. If it was not evidence, then neither the judge nor the jury were right in regarding it. The question was, whether the real object was not the attainment of the truth, and whether the truth could not best be attained by the examination of the principal person concerned. Perfect impartiality was the one thing needed, and he questioned whether a prisoner could be subjected to examination with a thoroughly impartial result. The anxiety of the prisoner to give evidence in his favour would be fully appreciated by the jury; and while they would weigh evidence in favour of the prisoner as one, evidence of no more value given by the prisoner against himself would be weighed as five. If this objection were sound, he felt convinced the system proposed would not be attended by impartiality, and would certainly affect the prisoner injuriously. He did not see why a man should be protected against a voluntary confession of his own guilt, if the object of a trial was to ascertain the truth.

Mr. Mozley (London) said that to charge the jury with giving undue weight to the evidence a man gave against himself was to take exception to the competency of the tribunal. But if there was danger of this, the judge was there to direct the jury. Although he could not admit the necessity of compelling a prisoner to give evidence if he were allowed to do so, there could be no objection to compelling him, seeing the object was to elicit the truth. To exclude evidence of the truth was to cast a slur upon the competency of the tribunal. The objection that this proposal, if adopted, would lead to the committal of perjury was forcible, but not conclusive. The same objection might be raised against receiving the evidence of all interested witnesses in the case of numerous alterations of the law during the last thirty years. Then it was said the presumption was in favour of the innocence of the accused. This was so at the commencement of the trial, but in most cases the presumption of guilt was very strong before the trial had advanced very far. That branch of the question arising out of a joint indictment of two persons was almost past argument. The objection which might be urged reasonably or unreasonably against a person giving evidence on his own part could not be urged against a person giving evidence for or against one jointly indicted with him. A case had recently arisen in which the evidence of the wife of one prisoner was not admitted in reference to another prisoner jointly indicted with him. Surely this was not expedient. A man might be in his wife's company at a theatre at the moment he is alleged to have committed some crime. It was monstrous to refuse the wife's evidence of that fact. The usual argument against admitting the prisoner's evidence did not apply in that case.

Mr. J. B. Collins (Bodmin) said it had been held by Baron Martin and another judge that the defendant in a quasi-criminal case, in which the act charged was not actually a crime, but a wrong prohibited by society, should be heard as a witness. He referred to a revenue case as an example, and noticed with satisfaction that an Act had been passed admitting defendants in revenue cases as witnesses; that a similar principle had been admitted in the Masters and Servants Act, and also in the Licensing Act. Baron Martin's ruling was not upheld by the Bench, but the Legislature had adopted the principle, and perhaps the best way of meeting the case would be to admit defendants, but not compel them, to give evidence in cases where the act charged was not a crime.

Mr. Edward Wilson (London) remarked that the principle advocated had been adopted in the code for India, passed in 1861. The prisoner under that code might be asked questions, but it was left to his option whether he should answer them or not.

Hon. Dudley Campbell (London) stated that the same rule prevailed in Massachusetts, and in several other of the United States. The general opinion of its working seemed to be favourable; but one lawyer, of considerable criminal practice, had told him he always advised his clients not to take advantage of the rule. He, however, did not describe the character of those clients. The French

system, as far as his experience went, did not deserve the animadversions which had been passed upon it. He had listened to several French trials, and the judge had always seemed to him to exercise the great powers vested in him with moderation, and with due regard to the interest of the prisoner.

Mr. WINDEATT urged the necessity for some alteration at least in regard to police cases, on account of the animus of policemen and others. He did not think prisoners would in the case of a charge of murder be in a fit state to bear cross-examination.

Dr. WADDILOVE replied. It seemed to be argued by those opposed to him that, although a prisoner might secure his acquittal by a voluntary statement, yet if that statement had been made upon oath, he would break down, and the jury would not have believed him. Some would admit the principle in small cases, but not in serious matters. But was there any person in the section who would not desire in any case against him, however serious, to say what he could to acquit himself? He was convinced that if the rule he proposed were adopted, the guilty would not escape, but the innocent would not be punished.

Mr. T. C. BRIAN (Plymouth) feared that the prisoner, if subject to cross-examination, would in some cases be misled into statements which would do him harm.

The PRESIDENT (Sir J. D. Coleridge) said the question they had to consider was whether they were or were not prepared to recommend that strictly criminal proceedings should be governed by the same rules in respect of evidence which governed civil proceedings, properly so-called, and he could hardly conceive any graver practical question for consideration. Up to this time the rules had differed, although he did not apprehend that the criminal law had a different object before it than the civil law. In both cases he supposed that the great men who had gone before them would have said that the rules of evidence were laid down in such a way as, according to their views, would best enable the court and jury to get at the truth. Those principles had been varied, but always with the same object, that of elucidating the truth. The real reason the prisoner had not hitherto been subjected to examination and cross-examination, was that in the opinion of those who had gone before us such a proceeding would not tend to arrive at the real truth; and without expressing an opinion, he must point out that to alter that principle was as grave an alteration as the law would admit of, because he could not agree that a witness could be treated as anything but a witness for all purposes. If a man was to be a competent witness, he must be a compellable witness. It would never do to permit a half-hearted change of the law, which should allow a clever, unscrupulous, cool, and practised man to call himself as a witness and tell his story, while in another case a person would not be called, whose examination would probably tend to the real investigation of the truth. If the rule contended for were adopted, the prisoner in his capacity as witness would be subject to all the rules of law, and it could not be assumed that as he was a witness he would be liable to have put to him any question that suggested itself to the prosecution. On the contrary, the prisoner as a witness would be entitled to and would receive the protection the court usually accorded to all other witnesses. At the same time it was impossible to suppose that the prisoner, being admitted as a witness, would not be subjected to a cross-examination as severe and searching as any counsel embarked in the desire to convict him would be supposed in the nature of things to engage in. The change in the system by which the counsel for the prisoner was allowed to address the jury had produced a change in the conduct of trials of a most marked character. Counsel were now allowed to press points to an extent, and make statements of a character which would not in former times have been permitted for a moment; and if the proposal under discussion were adopted, the character of criminal trials would for good or evil be still further changed. But whether the change were made or not, one thing was certain, the wife should in either case be in the same position as the husband.

COURT OF INTERNATIONAL ARBITRATION.*

Can a Court of International Arbitration be formed with a view to avoid War, and if so, in what way?

THE Rev. Dr. STOCK read a paper on this question. He said that arbitration must and would become universal, for the cessation war must and would become universal. The one was the logical of corollary of the other. Who would deny the desirableness of the formation of an international court of arbitration? When they considered the horrors of war; its terrible destruction of life; the fearful demoralization which it created; the commercial ruin and disaster that it entailed; the homes that it desolated, and the international hatreds that it bequeathed to future generations, they must feel that war was the most grievous curse that had desolated the earth. Surely such a concentrated sum of all possible evils was not destined to be a permanent item in the constitution of human society! He gave illustrations of the application of the principle of arbitration to the affairs of the nations of antiquity; and went on to remark that the history of modern Europe supplied us with abundant evidence that its nationalities had been steadily gravitating towards the adoption of the peace principle. The Swiss cantons were bound by their Federal Constitution "if any differences shall break out among them, to abstain from all acts of violence, and more particularly from having recourse to arms, and to refer such differences to the arbitration of the Federal Council." The consequent preservation of the internal peace of the little Helvetian Republic had largely tended to perpetuate its integrity, independence, and dignity, amidst the more powerful of continental nations. France had never yet had a war with the United States of America, but all her differences with the great Western Republic had been settled by negociation or arbitration; and surely if two such great and powerful nations could manage to exist for nearly a century without fighting over their differences, they must be able to do the same thing in every succeeding century. Our own country, too, had largely acted upon the principle of arbitration in the settlement of her disputes with other nations. Some forty years ago the sulphur question between England and Naples was settled by the arbitration of the King of the French. Our dispute with Brazils about twelve years ago was referred to the King of the Belgians, and satisfactorily adjusted by that enlightened monarch, though his award was dead against ourselves. He might point, too, to a number of instances in which we had adopted the same humane policy in our dealings with the United States. In 1794 a series of disputes between the two countries was referred to sundry mixed commissions, which, notwithstanding a temporary

* See *Transactions*, 1867, p. 164; 1871, p. 237.

break down, eventually settled everything. In 1822 the Emperor of Russia made an award by which, after vexatious delays, all the irritating quarrels of that period were fully settled. In 1831, Leopold, King of the Netherlands (that wise Nestor among the sovereigns of Europe), made an award as arbitrator between Great Britain and the United States touching certain boundary questions. His award was indeed not accepted by the United States, because the arbitrator exceeded the limits of his instructions, and the difference remained unsettled. But the fact of the reference to the arbitration kept the two nations from fighting over the difficulty. Eventually, years later, the whole matter was settled by the compromise of Lord Ashburton and Mr. Daniel Webster, embodied in what was commonly known as the Ashburton Treaty, negotiated at Washington. In 1853, all claims then outstanding between this country and America which had originated since the Treaty of Ghent were referred to a board of two commissioners, one of each country, who elected Mr. Joshua Bates, of London, an Englishman, as umpire. That arbitration was perfectly successful. Similar courses were adopted in 1869 in the matters of the conflicting claims of the British Hudson's Bay Company and the American Puget Sound Company. In those cases Judge Curtis, an American, was elected as umpire, but the arbitrators were so wise and enlightened that the services of the third party were not required. And now, to crown that array of facts, they had the successful termination of the Geneva Arbitration concerning the *Alabama* claims and five other irritating points of difference between the two nations. Another sign of the times which helped to prove the gradual ripening of the nations for the adoption of the principle he advocated, was the increasing frequency with which the nations were incorporating in their treaties with each other clauses by which they naturally bound themselves to refer all disputes that might arise between them to the arbitration of some third neutral Power. That process had but to become universal, and their object would be virtually attained. As a method of realizing their benign object he suggested the formation of a high court of the nations for international arbitration, constituted by a grand congress of all the nations, to which each nation might delegate a certain number of its most eminent statesmen, diplomatists, and jurists. To such assembly might safely be intrusted the task of preparing a constitution for such a high court of the nations as he proposed. All the nations that were parties to the movement would, of course, bind themselves in all disputes with nations represented in the high court to refer such disputes to the award of that tribunal, and to abide faithfully by its decisions in every instance. Defeat before such a court would be no dishonour. The *amour propre* of each nation would be preserved in every reference, for to refer a dispute instead of fighting it out to its bloody issue in view of such an arrangement could not be mistaken for an evidence of cowardice. Weak States would be secure from injustice at the hands of more

powerful ones; and stronger ones would hesitate to commit an injustice which they might be sure would be exposed before so wise and impartial a tribunal. There remained only the question, How best to give effect to the decisions of the proposed high court? That might be done by the common consent of all other nations to cut off the recalcitrant community from the comity of nations. The recusant should be treated as outlawed, and all the other peoples represented in the high court should at once withdraw from diplomatic intercourse with the offender. Some little inconvenience might follow, but not one-hundredth part of what would result from war. They did not apprehend, however, any serious difficulty in the way of refusal to abide by the decision of a court constituted in the way proposed. The nations would have too much self-respect to inflict so deep and disgraceful a stain upon their national dishonour as would result from such a refusal. The supposed difficulty would vanish before the march of events. Let them have faith in the ultimate and certain triumph of the right and the true.

M. Henry Dunant, of Switzerland, the founder of the work of the Red Cross in Europe, and of the Diplomatic Convention of Geneva, also read a paper on the subject. In opening his address M. Dunant stated that the generation had witnessed, and witnessed every day, the birth and the growth of a new world—the world of international ideas. Those ideas had spread the horizons of thought, and produced considerable results. The universal exhibitions had opened a wide field for the pacific struggles of industry, and, together with the International Congress, they had predisposed the intellects to a larger and more equitable appreciation of men and of various countries; they had destroyed very many prejudices; they had brought to light the labours of every people in the general work of civilization; they had multiplied the links of sympathy among nations. The work of the International Red Cross in Europe for the wounded soldiers of all nations was a great step forward in bringing the nations together, and destroying the hatreds and hereditary prejudices. But, as in everything, evil was found side by side with good. The national prejudices had been for a long time a true barrier to peace, and had often slackened the onward march of generations. In order to esteem and appreciate each other, it was necessary to know each other well, and the nations did not know each other sufficiently. They had need to learn that each of them had suffered the same pangs in their origin, had endured the same vicissitudes, had accomplished the same labours in the pursuit of a common idea towards the work of a common civilization. Ideas, good and bad, had a natural tendency to become universal. The evidence of progress in the past was enough to convince all of its onward march in the future. Something always survived the ruin of nations and the fall of empires. The living generation would transmit to the next

the ideas which it had conceived, with new developments, with new applications, and perhaps under new forms, for they were all operators in the great work which was called humanity. Arbitration was one of those ideas, one of those stars of thought, which to-day, considered as a generous utopia, would soon become perhaps a diplomatic usage adopted by all nations. What was to-day a utopia, to-morrow might become a reality. There would be difficulties to overcome, and the paths might be more or less obstructed, but the aim would be ultimately reached. The Convention of Geneva was the first step towards the realization of an international and universal code of laws between the civilized Powers. The time had come when they must study various international subjects affecting this humanitarian claim which was everywhere demanded by public opinion. That code of international laws did not exist, notwithstanding certain usages and customs vague and indefinite, without any formal and diplomatic sanction, and which were left to the entire arbitrary will of individuals. The Convention of Geneva would be the first article of that diplomatic universal code of nations. The second article of that code would be the convention on behalf of the prisoners of war. Strengthen the present social system in England, so that the morbid and subversive ideas of the Continent cannot enter; let them continue to develop the local government in the country, and strengthen the spirit of private initiative. Such were the principal means by which she could preserve herself, and guard in the middle of the general future overthrow with which they were threatened. They must aid this preservation by giving her powerful support in certain genuine international works. England would at the same time consolidate the efforts she had made to increase her interior strength. Nothing that concerned humanity must be foreign to her. If England loved peace, such was not the case upon the Continent, where there existed people who looked upon war as a holy thing, as a useful and even necessary thing. The French nation loved war, and in that fact lay the danger. Notwithstanding that, it was very remarkable that it was in France that the treaty of peace had, as consecrated by the generous initiative of Great Britain, represented by Lord Clarendon, the idea of settling by the diplomatic arbitration the conflicts among nations. Seven years later another generous initiative was given in France likewise—that of the Emperor Napoleon III.—who proposed to the Powers of Europe the project of a permanent international jury, which, if it had been agreed upon, would have compelled all the Governments to submit to the moral influence of a European arbitration. If the thought of the Emperor Napoleon III. had found favour, as it might have done, and if it had been supported by universal public opinion, how many sorrows and how much blood would have been spared to the Continent during these long eight years past! War is a duel between two nations. Let us, then, follow the same rules in a duel between nations as between gentlemen. For inevitable duels I have asked the international doctor who dresses wounds to demand the witnesses of

the duel in the person of a permanent diplomatic court of arbitration, which, if it cannot absolutely prevent the duel, may at least, by continuing to sit when the belligerents have begun to fight, arrest sometimes at the first blow the duel of two nations, by declaring honour to have been satisfied. The interest of parties would thus be conciliated more easily through their being rendered more tractable after the first blow by the moral pressure of the civilized world, represented by a permanent court of arbitration.

DISCUSSION.

Mr. JOHN HODGKIN (Lewes) said he was far from entertaining the very sanguine views of the gentleman who had read the first paper, for he could not indulge hope that there would be unanimity for the rejection of war in a body of legislators, embracing so large a number of personal warriors, and a far larger number of those who were directly and indirectly connected with the practice and politics of war. But at the same time he did not pass from the idea of sanguine expectation to anything approaching discouragement, and would not discourage any one who laboured in the cause of universal peace. Indeed, there were two strong considerations which served to prevent his falling into anything like despondency. Perhaps there were many in the company before him who, having spent a life mainly in dealing with legal subjects, could recollect the abolition of trial by battle, presumed to be by judgment of God, and the abolition of duelling. These results were produced by different measures; but the fact that both of them had taken place during his legal memory induced him to feel that, by the progress of right reason, and of careful consideration apart from passion, even the far more difficult question of preventing international war might be, if not actually attained, yet very materially promoted by the efforts of Christian philanthropy and Christian morals. The objection that the system when introduced might not be submitted to after the award was very important; but it did not materially affect the recognition of the principle, either in individual instances or in the case of the united concert of nations, because a great point would be gained if time were given to the disputing nations to review their position, and to look the merits of the question in the face before going to war. It was possible that pacific action of this kind might be the means in a vast majority of instances of getting rid of that false notion of honour which tended to the beginning of war.

Mr. F. P. LABILLIERE (London) said there was a danger of exaggerating the good results likely to be obtained from the system proposed. They had heard within the last twenty years of a great many things that were to render wars impossible. But what was the real fact? Within the last twenty years they had had nothing but a succession of wars, commencing with that of the Crimea, which broke out just after those very glowing pictures were drawn of the advent of universal peace. Probably war might to a considerable degree be prevented by the adoption of the principle of international arbitration, but to say that the establishment of an international court of arbitration would altogether do away with war was greatly to exaggerate the good results that might flow from the adoption of the system. So long as human passions and international animosities remained, all they could hope for was that one or two wars might be prevented out of half-a-dozen. Looking at the wars that had taken place, could they suppose that any system of international arbitration would have prevented the war between France and Germany? No; it would simply have been thrust aside. The same would have been the case in the dispute between Prussia and Austria in 1866, although the two nations were of the same race, and of a much cooler temperament than the French. Could it be supposed that any system of arbitra-

tion would have prevented the American civil war? The slavery question, which gave rise to it, was the foundation of a deep-seated animosity, which could not have been suppressed but by the sword. Though much good might result from the adoption of the principle, and it was therefore wise to encourage it, yet it would be idle to suppose any court could be established in these days capable of binding human passions as developed in international animosities.

M. Arturo de Marcoartu (Madrid, Spain) thought the time had come when an international code of law might be framed for the assent of nations.

Mr. A. Rooker (Plymouth) did not sympathize with the remarks which fell from the speaker before the last. In the very last case before the country, namely, that of the indirect claims made by America, no one could doubt that on the part of the American Government there was a sincere desire to insist on those claims, and no one could doubt also that the almost unanimously expressed opinion which followed, created so strong a moral influence that America was compelled to succumb to the feeling which was pronounced by the universal mind of Europe. He could not help feeling that if by the establishment of a court of arbitration they could succeed in obtaining a strong expression of the united opinion of the civilized world in relation to many questions that led to differences, they would have gone a great way towards preventing war. He admitted that the idea of preventing war entirely, by simply setting up a court of arbitration, was somewhat utopian, and that the references made to ancient history on the subject were scarcely applicable. The Achaian League was a confederation of States having a common nationality, not a union of diverse peoples. It was the same in the case of the Ionian League, and the Hanseatic League was a union of wealthy cities having a common object. The Helvetic Confederacy was also a confederation of cities not very unlike, and having very similar interests. Courts of arbitration seemed to be adapted for the settlement of disputes between States confederated together, and agreed to resort to such a court in case of dispute, rather than for nations antagonistic to each other. If the States of Europe were confederated together in such a way as to constitute a high court of appeal, that court must be endowed with power to make its decisions respected. The recommendation that if an international court of arbitration were formed, the contracting Power that refused to abide by its decision should be outlawed could not be adopted, because a cessation of the diplomatic relations would inevitably lead to war. The act of withdrawing an ambassador meant nothing less than a declaration of war. It would, however, by no means be impossible to say that commercial relations affecting the well-being of the country should cease if the decision of the confederate court was not abided by.

Mr. A. G. Langley (Chudleigh), while sympathizing with the object in view, did not believe that anything could be done with an outlawed nation unless the court of arbitration had material and physical force to back up their remonstrance. Suppose a European court had interfered when Prussia invaded Denmark, would Prussia have attended? When the Emperor of France was overthrown, some hope was entertained that the republic would be reasonable; but it soon commenced raising a larger army than that under the empire. Before international arbitration could be successfully established, all the troops of Europe must be abandoned.

Mr. F. P. Balkwill (Plymouth) said, the last speaker had quite overlooked the power of moral force, and seemed to regard physical force as the only force capable of controlling the world. The discussions on the Washington treaty had shown what power could be exerted by expression of opinion. With the increase of civilization, and the power exercised by the press, a nation's reflection upon what was thought of it by others would check it in a course which might otherwise lead to war.

Mr. W. Ball (London) remarked that sovereigns, of whatever character, were of necessity influenced to a greater or less extent by public opinion; and surely the erection of an international court would form a powerful instrument in influencing the minds of monarchs and statesmen. The establishment of such a court was merely a work of time. When the public opinion of a nation had arrived at that state to require of its king that he should join an international court, however

much his inclination and ambition might lead him in a contrary direction, he would be obliged to give way to the determination of his people.

Dr. WADDILOVE (London) said, it was unfortunately necessary to deal with things as they are. In 1856 there was a grand movement towards the creation of a court of arbitration; and when France and Prussia began to dispute prior to the late war, England and Russia tried to induce them to go to arbitration, under the treaty of Paris. Both scoffed at the idea. Suppose France and Prussia were outlawed in consequence: they would scoff at that too, and it would do no good. No such chimerical scheme could be carried out. Although the judgment of the Geneva arbitration might be acted upon, he did not believe that other Powers would in future be inclined to submit their differences to a tribunal similarly constituted. It was idle to talk of moral suasion. Although public opinion had some weight in this country, there were some sovereigns in Europe who were really despots, and if they and their ministers wanted war, war they would have, despite the public opinion of England or any other country. No amount of moral suasion would prevent two men going to law if they had a mind to do so.

Mr. R. N. FOWLER, M.P., did not think the discussion had been of a very practical nature. England had given a strong proof of her anxiety not to resort to war, and had shown that she was even prepared to make sacrifices to avoid that evil, having consented, in the recent arbitration, to be bound by regulations which certainly had not been applied in former times, and under which she had had a decision given against her which would involve her in some pecuniary obligations, and some amount of loss of dignity. This had been brought about in deference to the general sentiment of the country; but public feeling could not be expected to operate with similar force on the Continent, for at the present moment two of the greatest nations of Europe were armed to the teeth, and ready to engage in the war at the first opportunity which offered itself. What should be done was to make some attempt to suppress the war spirit of the Continent. He would rejoice to see a tribunal of the character indicated by Dr. Stock established as a substitute for war; but he was not sanguine of the attainment of that object.

Mr. J. W. BATTEN (London) could not entertain the sanguine views of Dr. Stock. He could understand an international congress taking place for the propagation of peace views, but could not comprehend of what materials a court of the character suggested could be composed. To his mind, a court must have some power of binding Governments. Was it to be composed of accredited deputies or legates from existing Governments? If so, was Abyssinia, for instance, to be invited? There were Governments existing whose whole constitution and spirit was built up upon martial notions. It was very sad that it was so, but the fact could not be gainsaid. Those who advocated the establishment of these courts left out of the calculation the fact that war depended on the habits of the people. The Leagues of Greece, to which reference has been made, were spoken of as being composed of men "of one blood, one title, one tongue," and the act most esteemed among them was the destruction of the foreign foe. On the other hand, the Anglo-Saxon race, as at present developed, was very slow to wrath. This had been proved by the recent *Alabama* arbitration. He was sorry to say that the French nation did not seem at all to take any lessons from the past. He had visited their *cafés* immediately after the war, and listened to their songs, and he had never heard a single word of repentance or a whisper of a promise of better conduct in the future. There was nothing but the old story of vengeance and idle recollections of past glories. Then, again, let them take Germany. Those Germans whom he had met seemed to be simply men of war. They loved the clashing of the broadsword; and when we were attempting to spread our notions of arbitration, Prince Bismarck never had a single thought in his head but that of welding the German States together by blood and iron. Again, who could tell now whether the future of Prussia was to be worked out by fruitful strifes or rivalries of peace. The great obstacle to the successful accomplishment of all efforts to settle disputes by arbitration was that the war spirit could not be rooted out, and that they had to deal with the passions and not the intellect of mankind.

Dr. STOCK, in reply, stated that in respect of the growth of public opinion he had addressed five-and-twenty public meetings, that several members of Parliament had attended those meetings, and in each case so strong was the public

sentiment on the subject that those members had promised to present a petition to Parliament on the subject. Nations fought from a mistaken sense of honour. Let the nations first bind themselves to go to arbitration, then the charge of cowardice would not apply. Honour would be satisfied only by going to arbitration. The case of disputed ownership of the Lobass Islands, which had become valuable on account of the guano beds found in them, was a case in point. The ownership lay between England, the United States, and Peru. Lord Palmerston, who was Foreign Secretary at the time, said England's claim was perfectly fictitious, and washed his hands of the matter. The United States thereupon sent a naval expedition to take possession of the islands; but it chanced that a treaty had been entered into between the United States and Peru, that all disputed questions should be settled by the arbitration of a third neutral Power. Accordingly a plenipotentiary waited on the President of the United States, and asked him why the naval force had been sent in contravention of the articles of the treaty. The President asked the plenipotentiary to call again, and in two days told him that the expedition had been recalled, and that the American claim was so bad that he would not trouble Peru to go to a reference. That was a case in which right would not have triumphed over might, but for the existence of a treaty embodying the principle for which he contended. Honour, in that case, could not have been satisfied but by a withdrawal or a reference. An incident prefacing the late war might be related as bearing on this question. The Emperor of the French sent to the mayors of France a confidential inquiry as to whether a war with Germany would be popular. The answers which had fallen into the hands of the Provisional Government were, in nine cases out of ten, against the proposed war. That was an instance in which the necessities of one man overrode the wishes of the whole people.

> "War is a game, which, were their subjects wise,
> Kings would not play at."

The PRESIDENT (Sir John Coleridge) said the discussion from the beginning to the end had not touched the question before the section. Instead of considering the possibility of forming an international court of arbitrators, the section had discussed the horrors of war, and the wisdom of introducing in the negotiations between co-ordinate Powers some such provision as that in case of difference arising between them, war should not be the arbitrator. All those things were sensible, practical, and legitimate for their consideration, and for pressing upon the attention of Government. It might be very right that in every treaty entered into with foreign nations, there should be some kind of provision, that in case of difficulty upon the subject of the treaty, the high contracting parties should agree that before the sword was resorted to, a reference should be made to arbitration. That was sensible and practical. But the question before them, which he rather regretted had been couched in the terms it was, asked whether a court of international arbitration could be formed with a view to avoid war? and, if so, in what way? Now, as a lawyer, he could only answer the question in the negative; and for this reason, that he knew of no analogy which could be drawn between suitors in ordinary courts, and the case of disputes between parties who are subject to no one, but who are sovereign States, and can be bound by no laws which can be laid down. The analogy of a court entirely failed them, and they were a good deal misled by the inaccurate expressions so current regarding international law. A law implied a right, and something that could be enforced. International law was nothing of the sort, but simply a collection of precedents, which varied, and must necessarily vary, from century to century, and of rules by which civilised nations agreed they would conduct disputes with one another when the sword was drawn. There was no tribunal to which a breach of international law could be referred, and from the nature of the case no such tribunal could be created. Looking at the past, it was obvious that although wars had not ceased, they were being confined within smaller areas; that the miseries of war were mitigated; and that the consequences of war were less terrible than in former times. The only practical issue he could see to a question of that sort was to hope that by a general diffusion of education and of enlightenment upon this subject, Christian nations

might yet see that war was about the worst arbitration anybody could possibly have reference to, and that peace upon the hardest terms ought to be preferred to war conducted upon the best and most solid grounds. That was all he could say, considering the matter practically, until the day came when the hearts of all nations should be changed, and the spirit which animated the governors of nations should be different from what it was now. Although by no means blind to the duty of doing all in one's power to promote, as a matter of contract, international arbitration, the notion of creating an international court was simply a dream. This was apparent immediately the question was asked, by what process the decision of the court could be enforced? The only process would be to go to war, which is the very result the proposition before us is designed to prevent.

LIABILITY FOR NEGLIGENCE.*

Ought Railway Companies and other Carriers of Passengers to be liable to an unlimited extent for the Acts of their Servants? By JOSEPH BROWN, Q.C.

IN the paper which I am about to read, I propose to take up the position that the liability of all persons who carry passengers for hire ought to be limited in amount. As this view seems contrary to popular ideas, particularly as applied to Railway Companies, I shall be suspected of having some interest to support it. I wish, therefore, at the outset to say that I have no shares in any Railway Company which can be affected by either view of the question. My interest would rather be the same as that of any other lawyer, namely, to support the present state of the law, which is a good deal more profitable to the lawyers than a system of limited liability could or would be, as will appear presently. My only reason for advocating a change in the law is, that I have seen so much fraud and perjury, hardship, injustice, and even ruin, caused by the present system, that I have long considered it as a scandal to our courts of justice, which every lawyer, who regards the honour and credit of our system, must desire to remove.

It is matter of common knowledge that, as the law now stands, every man and every company who employ servants is liable to the fullest extent and to any amount for any damage done by the negligence or unskilfulness of their servants in the course of their employment. Certain limitations to this liability have been made by Act of Parliament in particular instances, but the general rule is as I have stated. Thus, if your servant in driving your cart or carriage negligently drives over and kills a man, who was earning 500*l.* a year in business, you may be compelled to pay to the widow or family of the sufferer 5000*l.* damages for the error of your servant. It matters nothing that your servant was a very good driver; that he had the best of characters; that you took every care in hiring him; that you are wholly free from blame yourself. Still less does it matter that your servant is unable to repay you one pound of what you have to pay for his error. Neither does it

* See *Transactions*, 1870, p. 184.

signify anything that your business is one which must be carried on for the convenience of the public; as, for example, that you carry passengers by coach from one town to another, nor that it cannot be carried on without employing servants, such as coachmen and grooms. In spite of all these circumstances, the law holds you liable to your last shilling for the fault of your servant, and there is consequently never an assize passes without honest men being ruined by damages inflicted on them for accidents in respect of which they were wholly blameless, and which they had taken every care to guard against. In a paper which I read before this Society, two or three years ago, I endeavoured to point out the injustice of this state of the law, and to contend that where a man's business was one in which the public were interested, and could not be carried on without servants, and where every care had been taken in engaging and managing the servants, it was contrary to principle to hold the master liable for the casual error of the servant. This matter was afterwards considered by a Parliamentary Committee in 1870, who admitted in their report that it was difficult to give a reason for this apparently unjust rule, but did not feel themselves in a position to recommend a general alteration of the law.

I am not going to-day to raise the above question again, but shall assume it as a principle that the master should generally be liable for the errors of his servant, which may be the cause of injury or damage to others, and this being so, I shall still endeavour to show that strong reasons exist why there should be a fixed limit of amount to this liability in the case of coach owners, railway companies and others, who carry passengers for hire.

If it were possible to carry on the immense passenger traffic of this kingdom without accidents, that fact would go a long way to support the system of putting the heaviest pressure on those who conduct the traffic to bring about so desirable an end. But we might as well expect to navigate the seas without wrecks, or to have fox-hunting without broken limbs. Horses and engines must have drivers, railways must have signalmen, and after you have done all you can to secure careful and skilful drivers and signalmen, they will still occasionally commit errors of judgment or want of care, that is to say, they will still be no more than men. If any man hopes ever to see railway travelling entirely free from accidents, I can only envy his sanguine disposition, but shall not attempt to argue with him. He is beyond the reach of experience. For my own part, I am filled with amazement at the extreme rarity of accidents to railway travellers as compared with the enormous number of travellers. The cleverest men in Europe and America have had their wits at work for a quarter of a century to contrive the means of reducing accidents to a minimum, and the result we all know. They have reduced them so low, that they are less than the accidents which happened to coach travellers by more than 500 to 1, and the accidents which occur in the streets of London exceed in number those which happen to railway passengers on all the

railways in the United Kingdom. The police returns showed 120 persons killed and 2445 injured by street accidents in London for the year 1871, while in the same year the number of passengers killed and injured by railway accidents was 40 and 739. Thus a man is much safer in a railway carriage than he is in walking the streets. This is partly due to the great care taken in the choice of drivers, signalmen, and servants. Baron Martin, in his evidence before the Committee of 1870, said (Qu. 887): "Speaking from my own experience, and I travel a good deal upon railways, I think that nothing can exceed the care and attention which is paid to the safety of all. It is really admirable; there is no doubt about it. I really do not see how it can be well exceeded."

But in spite of all this, accidents will happen in rare instances. Let engineers and managers do what they will, if the driver has a pot too much, or the signalman a drowsy fit, it will upset all their precautions.

Seeing therefore that we cannot hope to rid travelling by railway or by carriage from the accidents due to occasional negligence of servants, why should coach proprietors or railway owners be punished for the faults of their servants by the enormous and unreasonable fines that are so frequently inflicted upon them by juries, as if the masters or the railway directors were personally to blame, and could not be too heavily punished, when in truth they had done their utmost for the security of the passengers. But an example will be best to exhibit this point in its true light, and I will just read an extract from the evidence of Mr. Laing, the chairman of the Brighton Railway Company, given before the Select Committee on Railway Companies, which sat in 1870 (Report, p. 70).

"An excursion train to the Crystal Palace Fête of the Licensed Victuallers was returning from the Crystal Palace at night; the tickets were being collected at the New Cross Station, and the train was protected by no less than three signals, one of them being a special signal, more than a mile up the New Cross incline, which had been erected in compliance with the special recommendation of the Board of Trade. There was a goods train following it from Forest Hill, which knew that the excursion train was before it; there was no particular hurry; the driver was an old, experienced man, who had been twenty years in the service with a good character; but he ran past those three signals all against him, and ran into the train standing at the ticket platform with sufficient force to cause a concussion, by which a large number of persons were injured. The result to the railway company was simply this: the total receipt from the passengers in the train was a little under 20*l.*, and the total cost of the accident to the company will be something over 60,000*l.*, I should say almost 65,000*l.*"

There were about 360 claims for compensation. Here then we see a railway company mulcted to the enormous amount of 65,000*l.*, besides many thousands in costs, for an accident caused by no fault of their own, and when they had only received about 20*l.* from the

passengers; and this is only one example out of many of the same kind which may be found in the same report.

It passes my comprehension to understand how any man can reconcile it to his sense of justice that such an enormous and unreasonable extent of liability should be imposed on a company carrying passengers, exceeding by three thousand fold what they were paid for the journey.

If we look at this point closely, we shall see that the law treats the passenger carrier, whether an individual or a company, as an insurer of the lives and limbs of the passengers—not against all accidents whatsoever—but against any which arise from the negligence or other faults of the company's servants, and as an insurer to any unknown amount. Now all insurance companies, whether for marine insurance, or life insurance, or insurance against accidents, invariably limit their policies to a fixed amount, and charge a premium of so much per cent. on the amount insured. It is obvious that this is not only the fair and reasonable mode of charging for the risk, but the only mode by which the premiums paid can be proportioned to the liability undertaken by the insurers. But what the law does with all passenger carriers, including railway companies, is to compel them to insure the lives and limbs of their passengers against the negligence of servants, to an unlimited and unknown amount, and without any regard whatsoever to the charge for carriage. No insurance company would ever take such a risk as the law forces upon railway companies. Nor have they any mode of protecting themselves against increased liability by increase of charge, for they are compelled to charge the same fare to a poor man as to a rich one, provided they go in the same class carriage. The consequence is, that two men may pay a shilling each for their tickets, and if they encounter a serious accident, the one may recover 50*l.* damages and the other 5000*l.*, whereas had they insured in the Accident Insurance Company, the one would have had to pay one hundred times more premium than the other. And of course, the liability of the company is out of all proportion to the fare paid. The fare may be sixpence and the liability may be five or ten thousand pounds. To exhibit this, I will read an extract from the evidence of Mr. Grierson, the manager of the Great Western Railway Company (Report, p. 14, Q. 2012)—

"In an accident which we had a few years ago, a certain number of passengers, who had paid us 2*s.* 6*d.* each for a trip of 135 miles, in the whole amounting to 10*l.*, were injured, and for that we had to pay 24,790*l.* In another case, where we charged a certain number of passengers 12*s.* 6*d.* each for a trip of about 450 miles, a certain proportion of them were injured, and in that case we received about 87*l.*, and we had to pay 42,230*l.*"

It is a necessary consequence of this state of things that a coach-driver may be utterly ruined at any time by an accident for which he was morally blameless; and this has actually happened many times. And though a very large railway company may sustain a

severe accident, without any worse results than cutting off or reducing the dividend, and thus distressing the small shareholders, yet a small railway company might be utterly ruined by such an occurrence as the New Cross accident, which would, in fact, confiscate their entire property.

Another great evil and injustice arising from the want of any limit of liability, is that it perpetually leads to the grossest fraud and trickery being practised by claimants in order to swell the amount of their damages against a railway company; so that nothing is so common as for a man who has had a railway accident to recover, by fraud and perjury, twice or five times, or even 100 times more than the damage he had really sustained. Mr. Grierson will give us some instances (Report, p. 147, Q. 2010). "I will very briefly give you a few instances showing the excessive damages which have been paid in actions which we have defended. In the first case, the claimant held a third-class excursion ticket, for which he paid 2*s.* 6*d.*, for a journey of 135 miles, and was injured in a collision; he claimed 10,000*l.*, and at the trial represented that he was permanently disabled, and that his business (which was represented to be worth 400*l.* a year, but his books did not bear out the statement), was totally ruined. The jury awarded him 6000*l.* Within a short period claimant was, and is now, attending to his business, which appears in no way to have suffered in consequence of his accident. Case No. 2: claimant (injured in the same accident) was also a third-class excursion passenger, and paid for his ticket 2*s.* 6*d.*, also for a journey of 135 miles. He held a situation in the Customs, at a salary of 120*l.* per annum. The medical evidence was to the effect that his case was hopeless; in fact, that he was wholly incapacitated from performing his marital duties, and his wife, to whom he had been married but a few weeks, was put into the witness-box to depose to this alleged fact. It was also stated that fits of the most severe nature were the result of the accident, but the company proved at the trial that he had been subject to fits from his childhood. The company's counsel agreed to the question of compensation being referred to two medical men then present, and they awarded 3500*l.* Within a month of the trial, claimant returned to his duties at the Custom House, and was soon after promoted; within twelve months his wife was delivered of a child, and he is now and has been as well as he was before the accident occurred. Case No. 3 arose out of the same accident. The claimant held a third-class excursion ticket, for which he paid 2*s.* 6*d.*, the journey being 135 miles. His income was proved to be no more than 60*l.* a year. Two medical men stated that he would be disabled for life, and the jury gave him 1200*l.* Within a year, claimant joined his father in business, he has been seen dancing at balls, and has apparently nothing the matter with him. Case No. 4: claimant, a barmaid, was a third-class excursion passenger, and paid 12*s.* 6*d.* for a journey of 458 miles. Two eminent physicians called by her, having stated that she had received injuries to the spine of a per-

manent character, and would never recover, the company were advised that on such evidence a jury would give heavy damages, and accordingly they paid her 700*l.* compensation, and 300*l.* expenses. Within seven months, she was dancing at the Licensed Victuallers' Ball, and soon after married. In case No. 5, medical evidence was given to the effect that the injuries the claimant had sustained were of a permanent character, and would incapacitate him from following his business as a miller and farmer, and the jury gave a verdict of 5750*l.* Within a short time of the accident, claimant was attending to his business as formerly, and is now to all appearance in perfectly good health. In case No. 6, claimant's wife was injured (it is believed very slightly) in a slight collision during a journey for which she paid 6*d.* The damages were laid at 4000*l.*, and the medical evidence represented the case as being of the most distressing character, and likely to terminate fatally. A most painful scene was got up in court, and the jury awarded 1250*l.* The lady has since had one, if not two, children, and is believed to have little, if anything, the matter with her. In case No. 7, a commercial traveller received a blow on the shin in a slight collision; he was not laid up for a single day, but he nevertheless claimed 200*l.* The company, admitting the liability, the jury gave the plaintiff 300*l.*, being actually 100*l.* more than he asked for his blow on the shin."

Now, whatever opinions may be entertained as to the point I am contending for, there cannot be any doubt that these cases are a scandal and disgrace to public justice. They, in fact, exhibit fraud and robbery on a gigantic scale, committed by the very Courts, which ought to be the Ministers of Justice, becoming, as it were, the accomplices of rogues. Nor is it possible to prevent it while the present rule of unlimited liability prevails, for that is the very inducement to all these frauds, and unfortunately the nature of railway accidents is such, that it is practically impossible even for medical men to check or detect pretended and exaggerated claims. The evil is necessarily aggravated by the general disposition of juries to sympathise with the sufferer, and to look upon him as deeply injured if the company's counsel attacks his credit, and by the attacks of a certain class of newspapers, which treat the company as a sort of wealthy Juggernaut, greedy of victims to crush under its wheels.

I know of no means so likely to put a check upon the systematic plunder of railway companies which now always follows an accident, as a fixed limit of amount to the claims of each class of passengers, with an option to them to insure for larger sums, by paying a very low rate of insurance.

This system has long been in force with respect to carriers of goods. By the common law, a common carrier of goods was an insurer, and if the goods were lost, he had to pay the full value of them, however large the value, and however small the charge for carriage. This was found to be very unjust, where things of great value were delivered to a carrier, and accordingly an Act of Parliament was passed above

forty years ago, which saves the carrier from liability in the case of most articles of value, unless the nature and value of the goods is declared to him, and a rate of insurance paid proportionate to the risk. A similar Act is in force as to horses and cattle carried by railway companies. Now, the reason of these Acts applies with far greater force to the carriage of passengers. It was considered by Parliament unfair and unjust, that a carrier who received a parcel without being told what was in it, should after it was lost be informed that it contained bank notes worth 2000*l.*, and be called upon to pay the full amount, when he only got five shillings for the carriage, whereas if he had been told beforehand of the great value of the parcel, he might have insisted on a higher charge, and might also have taken extra care to ensure its safety. So it was considered unreasonable that if a horse for which the owner paid 20*s.* to a railway company for carrying it, was injured on the journey, he should then claim 5000*l.* damages because the horse had won the Derby, when the company, if they had known that fact, would not have carried it at all, without making an extra charge and taking extraordinary care to avoid damaging an animal so expensive. Now these considerations apply with double force to the case of passengers. For when a man takes his ticket, he never informs them who he is, nor what amount of risk they incur by carrying him. He may be a bachelor, with no one depending upon him, in which case his death by a railway accident would cost them nothing. Or he may be a man with a large family, making 1000*l.* a year in trade, in which case, they might have to pay 8000*l.* or 10,000*l.* under Lord Campbell's Act. He may be an independent man, so that his damages may be limited to the doctor's bill, or he may have a life estate of 3000*l.* a year in land with a wife and children, in which case his death by accident would entail a tremendous amount of damages, enough to swallow up a half-year's dividend. All these different circumstances, and enormously different risks, are wholly unknown to the company when the ticket is issued, and all these passengers pay one and the same fare for such grossly disproportionate risks. But further, in the case of carrying goods, if they are lost there is almost always some means of proving the fair or market value of them, and of thus limiting the amount of the carriers' liability. But in the case of passengers there is no certain means whatever of fixing either the value of a man's life or the nature of the injuries which a passenger has sustained, or the income which he may have been making in business, or his prospects of advancement in life, and the consequence is that the Company has no means whatever of putting a reasonable limit on the damages claimed after an accident has happened. In addition to this there is an utter want of means to check these claims, in three most important particulars:—1st. In regard to the man's state of health before the accident, whether, for example, the fits or the rupture, or the failure of sight or memory, which he always attributes to the accident, had not really existed long

before. 2ndly. Whether the injuries complained of are temporary or permanent; and 3rdly, whether the nervous symptoms, which more than half the claimants complain of, are not exaggerated or feigned. These three points perpetually baffle the utmost skill of lawyers and doctors. Let us hear a line or two of the evidence of Dr. Pemberton, a surgeon, who had twenty-two years' experience in examining into claims for injuries by railway accidents. (See Report, p. 114, Qs. 1499 to 1502.)

"According to your experience, do juries give damages with reference to the actual state of incapacity in the plaintiff, and ignore the previous debility and unsoundness, except on special directions from the judge? Absolutely, I have not known a single exception in which an unsound traveller did not before a jury graft that unsoundness on the railway accident.

"You have had very large experience also, have you not, of cases of nervous shakes? I have, as surgeon to one of the largest hospitals in England. I am not speaking simply as consulting surgeon to those companies, but I am speaking as a professor of surgery, and as surgeon to a hospital.

"In those cases is it an exaggeration to say that the medical advisers of the companies are almost entirely at the mercy of the patient's description of his own symptoms? That is so; they are almost entirely at his mercy; it is a question of *bona fides*.

"Is not any evidence which the company's medical adviser might give before a jury looked upon with extreme suspicion, as opposed to the plaintiff's own statement of his case? That is so, although in a previous case, probably on the same day that he has given evidence in a corresponding accident, his opinion has been listened to with respect. It is a question of money payment at the end. It seems for a moment to damage the respectability of the medical man who is giving his opinion adverse to it, although he is only speaking the truth. That is what medical men feel in going before juries in these cases."

There is a great body of evidence in the same report to the same effect.

I think I have now said enough to prove that every consideration which persuaded the Legislature of the justice of limiting the liability of carriers of goods applies with far greater force to the carriage of passengers. There is the same want of notice of the amount of risk incurred, and the same inadequacy of the fare paid to cover it; but whereas the value of goods lost can be generally proved with tolerable certainty, there is no possibility of fixing with certainty the value of a man's life or health, or what nervous injuries a passenger has sustained, or which of his complaints really existed before the accident occurred; or whether he is permanently disabled, or will be instantly cured by a verdict for heavy damages, or what income he was really making, or what he would have made if his health continued, so that, in fact, no certain estimate can be put on the damages really sustained.

When these things are considered, it is plain that no insurer but a madman would take such a risk as the law unrighteously forces upon all carriers of passengers.

If there be any truth in what I have urged, the railway companies were fully justified in asking Parliament for some limitation to their liability, and in the case of several of the London companies who run workmen's trains at cheap fares, Parliament has limited their liability to 100*l.* in case of accident to a passenger; and thus admitted the principle for which I contend. In the case of ordinary trains, Mr. Blenkinsop, who represented most of the largest railway companies, asked the Parliamentary Committee for a limit of 500*l.* to the claims of a first-class passenger, 300*l.* for a second-class, and 200*l.* for a third-class passenger, accompanied by a right to insure larger sums at a very low rate. Any one would suppose that these sums were quite large enough, for those who will not insure, considering the small fares paid for carriages. Even at these limits, a company might have to pay 10,000*l.* for a serious accident, when they had not received 50*l.* for the fares. The Parliamentary Committee already mentioned, however, did not adopt these limits, and were not agreed about the matter. They heard a great deal of evidence on the subject, and ultimately reported that the trial by jury does not work satisfactorily in these cases, and they recommended a different tribunal to be established for trying them; but if this were not adopted, they expressed their opinion that the liability ought to be limited to 1000*l.* for a first class, 500*l.* for a second class, and 300*l.* for a third class passenger, with a power to insure larger sums at a cheap rate. Even this proposal of the committee, far as it falls short of such a limit as might be reasonably imposed, has not yet been adopted by Parliament, and requires to be pressed upon the public mind before its justice will be generally acknowledged. This is my reason for bringing it forward to-day.

If such a limit as I have proposed were adopted by Parliament, the railway companies could afford, and would be willing to make, a concession which would be of considerable value to the public; mean this, that they should be responsible for all accidents whatsoever not due to the passenger's own fault, whereas at present the companies are not liable at all in case the accident happens from any cause not attributable to want of care or skill. For example, if an axle breaks through a secret flaw in the metal, or an embankment slips down in the night and causes a breakdown of the train, the company are not liable. It would obviously be a benefit to the poorer class of passengers to be thus insured against all accidents to the extent even of 200*l.* or 300*l.* And it would save many very costly legal inquiries, whether the company were to blame or not for an accident.

It may be feared by some, that if you limit their liability, it will weaken the motives which railway companies now have to take the utmost possible care. I believe this to be a great mistake, for railway managers well know that a single accident may cause

damages to the train to the amount of thousands of pounds, without reckoning the passengers, whose claims, even if limited, may come to thousands more, besides very heavy law expenses. Let us hear an extract from the evidence of Mr. Allport, the manager of the Midland Railway Company (Report, Q. 620).

"Supposing that there was a limitation upon the liability of railway companies, do you think that they would take the same care of the public as they do now? I do not think that even for one moment the question has entered into the consideration of the railway companies in that point of view. I am perfectly sure that, if there had been no law in force, and those claims could not have been made by those persons upon the companies, the same amount of care would be taken. As a railway manager, I would very much rather pay the amount of the claims that we have paid, than that an accident should occur. I would rather be without the accidents and pay the money than that they should occur; and I am quite certain that no consideration of saving money has entered into the idea of either the directors or managers upon this question. The loss to the companies in other ways is far greater than in compensation. First of all, the loss of stock is very considerable. You cannot have a collision, or an engine seriously damaged without considerable expense, and the carriages the same, and the permanent way the same. Then there is for some time a sort of want of confidence on the part of the public in the company. I cannot, of course, prove a negative, but no doubt an accident has had for some time afterwards the effect of deterring passengers to a very large extent from travelling on the line." A similar question being put to Baron Bramwell (Q. 887), he said, "I would put it to the committee whether, in hiring a coachman, we are thinking of the damages that we may have to pay to the persons whose horses and carriages may be run against, or are rather thinking of having our own horses and carriages properly taken care of. In engaging servants, we are not thinking of the mischief they may do to other people, but of the mischief they may do to the property which we intrust to them." There is no ground, therefore, for believing that a fixed limit of liability would make any alteration whatever in the care and vigilance exercised by the managers of railway companies.

I will conclude this paper by expressing my hope that the time is approaching when the multitude will cease to regard railway companies as fair objects of plunder by everybody who deals with them, and consider them in their true light of partnerships entitled to the same fair dealing as individuals, and carrying on a business essential to the public convenience; and, moreover, as partnerships in which the greater number of shareholders are persons of small means, who can very ill afford to be deprived of their small dividends by exorbitant and fraudulent claims arising out of accidents which are mostly inseparable from railway travelling, and which, in one-half of the cases that happen, are more misfortunes than faults. Certain

am I of this, that any right-minded person who should see the dissimulation, fraud, and lying, the extortion and plunder, which every barrister sees who has to deal with these cases, would be earnestly desirous to put a chain of iron on such villany; and I believe that if a rigid limit were put on these claims, it would oftentimes relieve a jury from the embarrassing suspicion that they are robbing the railway company when they assess damages upon very dubious evidence.

DISCUSSION.

Mr. EDWARD WILSON (London) said: A third-class passenger had as much right to value his life as the first-class passenger. The proper basis of estimating the injury done to a man would be for the chairman of the company to ask himself what price he would pay to avoid the shattered condition of the poor wretch, who had been reduced from a state of perfect health to a condition of constant pain? Comparing railway with railway, he had no hesitation in saying that some railways, judged by their own returns, were murderers, and deserved to be treated as murderers. It was not a question of damages; it was a question of murder. One set of directors confessed to the shareholders to a loss of 100,000*l.* in damages, while another had not had an accident on their line for a whole term. A case had been mentioned in which a driver ran past three signals, and occasioned an accident which cost the company for whom he worked thousands of pounds, and that circumstance opened up the question of the hours at which these men worked, and the amount of pay which they received for their overwork. Might it not have been the case that this man had been overworked, and had consoled himself, in the usual way, with a little more beer, and had thus been too fast asleep to notice any signals at all? Looking at the hours at which these men were worked; looking, too, at the insufficient wages which they received, he was at a loss to understand how any person could make an appeal to the public to pity those shareholders who were thrown in heavy damages for accidents that occurred upon their line. How many of those lines referred to had adopted the block system, which was as simple as making a rat-trap? And how many had adopted the system of communication between passengers and guards? While the public were humbugged in this way, he hoped juries would continue to give heavy damages. Let them look at the Plymouth Railway station. Was that a decent station to supply the wants of a large town? It was an insult to the community. Parliament had never done worse work than when it allowed a set of gigantic monopolies to go sprawling over the country. Arguing from what had been done, to what was possible and what was right, he contended that the example of the South Eastern Railway, which had carried on its work without an accident for the last year or two, could be followed if directors chose to follow it, and that equally good management would result in equal immunity from accident.

Mr. H. W. FREELAND (Chichester) agreed with the author of the paper to this extent, that juries sometimes gave very irrational and sometimes vindictive damages. That, no doubt, was an evil to be deplored, to be dealt with, and, if possible, to be cured; but what was the best remedy for that evil? Was it not to educate public opinion up to the principles of justice which they wished to see applied in all those transactions between man and man, or between companies and their unequal opponents—individuals—without depriving a jury of its discretionary power. This was the best means which they, as practical men, could take to remove, if not entirely, at any rate partially, this serious evil. Discussion would no doubt do a great deal of good; but he appealed to the author of the paper, without passion or animosity, whether that desirable end was likely to be accomplished by means of papers entirely of an *ex parte* character, for the paper was solely an *ex parte* one, in favour of the railway companies. The paper alluded to the enormous costs to which railways were put in consequence of accidents; but was not that an argument that cut both ways? Those legal costs

might be very serious indeed to a railway company, but what were they to the individual who had to bring all his energies, and possibly his not very deep pocket, into competition with a body of directors, backed by a large body of rich and responsible shareholders? This was the fair way to put the question. The costs must surely be more formidable to the individual than to the company, and this was certainly a strong reason why they should endeavour, if possible, to avoid going to law at all with these cases, but to refer them to arbitration. Railway companies were not sufficiently pressed by fear of loss of reputation to induce them to take severe measures to prevent accidents. It was true, they had before their eyes the danger of very heavy costs, but railway companies had a monopoly in the country. He quite agreed with Mr. Wilson that Parliament never did a worse thing than to scatter railways promiscuously over the country, without any system whatever. Still, the monopoly existed, and the railway companies knew that people must travel. There might be an accident to-day, but men of business must travel over that line to-morrow if they had business of importance to transact. This was known to the companies, and therefore the calculation as to their interest in preventing accidents did not appear to him to have the force that Mr. Brown attached to it. If the Board of Trade had power to revise travelling regulations, and to make inquiries into the working arrangements of a line, irrespective of the occurrence of any accident, many accidents would be prevented. He advocated giving the Board power to compel compliance with orders which it might make for the revision of regulations not consistent with the safety of the public.

Mr. F. P. LABILLIERE (London) said it might be a great hardship for a company to have to pay 60,000*l.* as the result of an accident whereby the dividend to the shareholders might be seriously diminished, if not altogether destroyed; but what was it when compared with the hardship to the professional man and his family, to the working man and his family, and to all classes of the community, that their means of subsistence should be cut off at one stroke by a railway accident? The hardship on the individual was clearly more heavy than the hardship on a public company.

Mr. ROOKER (Plymouth) regarded the paper as a strong and able statement of the reasons which supported the reader's view of the question, but at the same time he did not fully agree with the argument. Whilst the statement of the question included the case of all carriers, the illustrations as well as the argument mainly referred to railway carriage. It was important to see whether there was anything connected with railway traffic to lead to a change of the law especially for their immunity. Looking at the question carefully, it must be remarked that the damages and costs constituted an annual average charge corresponding with the costs of maintenance or wages. The directors in fixing the fares, added up the cost of maintenance and of wages per mile, and added to that the average charge on account of accidents. From this gross total they estimated the fares, so that they in reality were the insurers of their passengers, and the passengers paid a premium upon taking their tickets for that insurance. The passenger was, therefore, his own insurer, with this advantage, that the company was continually on the alert to prevent loss from accident. He could not conceive of any reason to justify the removal of the companies from the ordinary category of carriers.

The CHAIRMAN (Mr. Westlake) thought it necessary to recall the attention of the department to the fact that the form of the question and Mr. Brown's paper did not include any case where the railway company could be proved to be itself at fault, either by making improper regulations for the conduct of its traffic, or by overworking its servants, or by exercising defective supervision, or otherwise. The case before the department was that of accidents caused by the negligence of servants, where the company had done its best; and those cases were of sufficiently common occurrence to make the present state of the law a hardship. On the principles which governed the law of principal and agent, the company would not be liable in such a case; nor would it, in fact, be liable in most continental countries. That the company was liable by English law was due to the fact that in this country the liability was regulated not by the law of principal and agent, but by that of master and servant, the stringency of which was a relic of feudalism. That being the source of the law, it became necessary to consider whether it

should be maintained. There would be much importance in Mr. Rooker's suggestion, that it was convenient to the public that the railway companies should insure their passengers even beyond the limits of a reasonable legal liability, the public paying for the convenience in the price of the ticket, if it was really in the power of the companies to put the price of the ticket at a figure which would give them a reasonable profit, after reckoning the compensation payable by way of insurance among their expenses; but, in fact, the companies did not in the long run make a reasonable profit on their capital, taking one company with another; and they could not raise their fares, or Parliament, which considered the interests of the public, would authorize the laying down of competing lines, and the old companies would be reduced to insolvency. He differed from Mr. Wilson in his conclusion that Parliament was prejudiced in favour of shareholders. Parliament interested itself first in favour of landowners, who wanted lines in their districts; then in favour of directors, who would make their profit in many ways; by increased patronage, for instance, irrespective altogether of the profit of the line; and also in favour of engineers, solicitors, and others who get their profit out of the line, irrespective altogether of the interest of the public. The question as to what dividend the shareholders were likely to get, was about the last thing Parliament thought of. If Mr. Wilson's position could be proved, that the present state of the law had induced good management, and consequent immunity from accident, that would be an argument in favour of the present state of the law; but by the doctrine of chances, a railway company might carry on its business for a long period without an accident, and then be the subject of one which would reduce its dividends for years. Theoretically, if the question could be decided on pure theory, the company might be held liable for all damage occurring from circumstances remaining after all blame which could be attached to the servants had been eliminated. Theoretically, the company should not be liable beyond this, and the servant should be liable criminally for his part. But, practically, that would not give sufficient security to the public against accident. Still, as the companies were not in a position to charge a sufficient fare to cover all liability to accident, he would admit a limitation of the liability of the company, as Mr. Brown had suggested.

Mr. H. N. Mozley (London) noticed a point which had not previously been touched upon. Mr. Brown had suggested that the law should be amended in the same way as it had been amended in respect of the carriage of horses and cattle. There was a distinct difference between the two cases. One set of goods might be valued at less than another, and a company would be justified in taking less care of a parcel valued at 1*l.*, than of a parcel valued at 1000*l.*, but none would justify a company in taking less care of one man's life because he happened to be a bachelor, than of another for whom heavy compensation would be demanded. Instances had been given of accidents which cost the companies immense sums compared with the value of the tickets taken. This, however, might be set beside the Abergele accident, which cost immense loss of life through the carelessness of the company under circumstances which did not allow of much compensation being demanded.

Mr. Brown, Q.C., stated that the smallness of the competition in this case arose from the fact that the matter was settled on the spot by a special agent. Replying on the whole question, he pointed out that his argument was not directed merely against railway companies, but against the law generally. By the civil law, if a coachman drove over a person, the compensation awarded would be the value of the slave, perhaps about 20*l.*, but by the common law there was not a tradesman in the town who might not, in consequence of the act of his servant, be deprived of the savings of a life of thrift, and be utterly ruined. His carman might run over a person in receipt of a good income from a profession, and the tradesman, who perhaps never saw him in his life, would have to compensate his widow. It was not true that the railway companies charged the insurance premium in the fare. Competition forbade this. The companies generally found it to their interest to consult the public convenience, and to make the fares as low as possible. They also found it to their interest to encourage sober and steady drivers; but if in a moment of forgetfulness these drivers caused an accident, were the directors to be charged with murder? Perhaps Mr. Wilson would think it consistent to

charge him with murder if his coachman drove over a man and killed him. Four out of five of the indictments against servants of companies, not for murder, but for manslaughter, failed—a fact which proved that misfortune rather than neglect was the cause of the accident. When the Abergele accident occurred, the company publicly stated that no serious accident had happened on the line for fifteen or sixteen years. It had been stated in evidence before a parliamentary committee that when the directors were about to dismiss a man for negligence, a large number of remonstrances were received by them from passengers who knew the man. As regards the block system, those who would read the evidence on the question would see that it caused more accidents than it prevented; and as for the Board of Trade, they were not such good judges of what would prevent accidents as railway managers. The case was simply this. Railway companies never knew what risks they ran when they started a train. Parliament had recognised the unfairness of this in the case of common carriers; he asked only for the same protection in respect of carriers of passengers.

THE COLONIAL QUESTION.*

The Colonial Question: its present Position, and the Policy of the Future. *By* EDWARD JENKINS, Barrister-at-Law.

AS a preliminary to the discussion, we ought to recognise the fact that there has been, during the year just past, a marked change in the tone in which the relations of Great Britain to her colonies have been treated by statesmen and the Press. In certain quarters insulting advice to the colonists "to go and be hanged to them!" has been reduced to the respectful whisper that we are waiting their time for an adieu. Nay, one is not sure that we have not changed all that. Indifferent politicians have warmed up to a semblance of enthusiasm. Ministers whose utterances about the Imperial connection were dubious, to say the least of it, are now found protesting that the aim of their policy has been quite misunderstood. The leader of one great party has, after considerable hesitation, announced the integrity of the empire to be a card in his pack, and no doubt the leaders of the other party will be obliged to play a higher card in the same suit.

It is when a question is in this condition that it is in danger of unscientific treatment. In the bidding of party against party, innumerable issues of passion and prejudice, quite beside the mark, are sure to be raised, and in the end, instead of a principled and solid settlement, comes a disaster, or some impolitic and temporary compromise. I look, therefore, upon the lull that has for awhile come over the colonial question, and upon the present attitude of parties with regard to it, as eminently hazardous to the chances of that careful, mature, statesmanlike treatment which can alone develop a result consistent at once with Imperial prestige and the well-being of the colonies.

Yet, were people to ask, "Where is the colonial question?" one

* See *Transactions*, 1870, p. 175.

could hardly be surprised. It is a treasure hid in the corner of Downing Street. The greatest empire the world ever saw is administered by a small bureau in that cloister of statesmanship, ostensibly by two Parliamentary secretaries, but practically and chiefly by a small staff of permanent officials. A permanent Under-Secretary of State, and two assistant under-secretaries, and five heads of departments, are the really responsible overseers of our empire. "In the Colonial Office," says Sir Drummond Wolfe, "under the somewhat humble title of clerks, those behind the scenes recognise functionaries exercising many of the powers, and often endowed with many of the qualities of statesmanship;" and adverting to the Parliamentary Secretary of State, he says—"The succession of Secretaries of State is the succession of men, eminent and distinguished doubtless, but from the nature of things ignorant of minute colonial histories. To them the functionaries of the Colonial Office are counsellors, or at all events reporters. On their counsel or reports, based on long experience, and with accumulated information, must depend the policy of the chief. To the clerks in the Colonial Office alone are known the stories of colonial administration, the merits, the objects, the predilections, or jealousies of colonial statesmen, and the constitution of parties in the colonies themselves." Certainly these clerks have no little responsibility in informing the minds of Secretaries of State. When we know that one colonial minister imagined Demerara to be an island, another gave away an important governorship with a high salary in the delusion that it was an unimportant one at a low salary; and another, in conducting the gravest negotiation that ever took place between the Home Government and any of the colonies, was obliged, after months of discussion, to confess himself unaware of one of the most serious conditions of the negotiation, it is clear that the brunt of responsibility is borne by the permanent officials. The nature of the work done by the staff of the Colonial Office might well appal the most iron-nerved administrator. In half a hundred colonies it appoints governors or administrators; it approves or dismisses innumerable officials; it receives and digests reports from all parts of the world; it takes measures for the safety of the maltreated Fijian in the South Seas; superintends the transport, indentureship, and treatment of Indian Coolies in the West Indies or the Mauritius; it professes to supervise emigration from our own land to every other not European; it has its eye at once on the confederation of colonies, on the gambling-tables at Hong-Kong, and on the deceased wife's sister in Australia. It assumes to revise and recommend for veto or assent the legislation of a fifth of the world. Half-a-dozen gentlemen sitting at this central bureau do, in fact, transcend the bold flight of the poet, and in a fashion, govern as well as "survey mankind from China to Peru." "What an influence upon the world"—I am quoting from an able leader in the *Times*, of August 22—"the head of the Colonial Office, for the time being, might exercise, if he could always rise to an adequate conception of his powers and opportunities!"

Is it to be wondered at that a bureau so constituted, engaged n the government of provinces as large, as populous, as wealthy and important as some kingdoms, should, when weighed in the balances of modern opinion, or when tested by its own works, be found wanting, if not in all, in almost all, the conditions of adaptability to modern requirements or of permanent success? The wonder would be that such an institution, exerting over such vast and widely-scattered territories, and so many free peoples, a control so secret and invidious, should not soon become intolerable. Indeed, in so far as anti-colonial critics point out the imbecility of relations supported by such a system as that of the Colonial Office, that may be conceded without argument. It is inarguable. Some of our most distinguished statesmen have taken up the reins of the colonies at the Downing Street bureau only to develop conspicuous failures. We cannot lay our finger on a single statesman, however eminent, who has occupied the post of Colonial Minister within the last twenty years (and there were thirteen between 1854 and 1870) who may not be charged with glaring blunders of policy or administration, so inherently vicious is the system, so impossible it is for any man to master all the details of a government thus extensive and diverse. So that if I were asked how long the colonies are likely to tolerate the system of interference or non-interference from the Imperial Government through the Colonial Office? I give it up, and reply, "By all that's sensible, not an hour longer than they can help it. God forbid!" The safety of the Colonial Office as regards our free colonies lies in inaction or a positive surrender of our rights. I say our free colonies, because it is important and necessary that in discussions of colonial questions the distinction should be carefully borne in mind between colonies endowed with responsible government and Crown colonies, partially or wholly regulated by the will of the Colonial Office.

It will be understood that it is of self-governing colonies that I am to speak throughout this paper. In the article in the *Times*, to which I have referred, the inherent incompetency of the Colonial Office in several instances is sharply animadverted upon. Its treatment, or non-treatment, or mal-treatment, of questions like that of the Australian intercolonial postal tariff, the Canadian copyright law, and responsible government at the Cape, just now one of the gravest and most interesting problems of our colonial policy, would apparently indicate either a want of information, or a deficiency of firmness, or an absence of tact and judgment, which, in a bureau of such Imperial pretensions, seems ludicrous. But a little investigation may modify the harshness of our criticism on the individuals, and transfer it to the system. The *Times* points its gravest rebuke by citing the case of the Confederation of Canada, which, as the writer correctly says, if worthy in any sense of the name of a success, owes it entirely to the zeal and ability of the provincial statesmen. The debates in the Canadian Parliament upon the subjects of federation, remain upon the whole by far the ablest discussions on constitutional

government that have taken place in any legislative assembly during the present generation. It is possible that had there been equal ability and research on the part of the august authority which reviewed the results of those deliberations, the Colonial Office and the Colonial Minister of the day might not only have proved that the parochial principle of government had not yet entirely taken possession of British statesmen, but that the present organization for administering colonial affairs was capable of better things. As it is, serious blots have been pointed out in the confederation scheme, such as thoughtful and far-seeing statesmanship might have foreseen, such as would more naturally occur to the responsible critic of a submitted plan than to those engaged in framing it; and we are obliged to adopt the sharp, salutary words of the leading journal —"We cannot but recur to our regret that the Colonial Office should, by wilfully declining to look forward into the future, refuse to discharge the great work it might perform." It is rather late for the *Times* to adopt this remarkable language. In this sentence, indeed, we have a summary, or rather an index, of the inherent defects of our colonial policy, "Want of forecast," and that want of forecast, "wilful," that is wilful in the sense of designedly eschewing or postponing from time to time the vindication of Imperial authority and the maintenance of Imperial interests as against local encroachment. A policy of hand to mouth. Dilettante statesmanship playing a winning trump for this round with no look-out for the next. Notoriously by such management as this the Colonial Office let slip, at various opportunities, the control over colonial lands, and shut the door upon vast benefits to our overflowing population.

If we ask for the reason of these things, we shall find some ground of excuse for the office. Indisposition and caution—absence of that quality which leads the prudent statesman to hit the just mean—to

> Not always tempt the distant deep,
> Nor always timorously creep
> Along the treacherous shore,

have been the natural influences upon that bureau of the changed condition of the colonies, and the altered circumstances of home politics. Moreover, a careful examination will make it clear that this inherent weakness must increasingly develop itself.

For *first*, from the moment that responsible government was conceded to one of our colonies, it was plain that the centripetal motion, encouraged in the past, and which culminated in the old dogma of trade reciprocity, was stopped, and that the tendency thenceforward would be centrifugal. To counteract that tendency, or to give it a right bias, the Colonial Office, a concrete expression of Imperial interference and control, was not a practical instrument. Its administration, often ungracious, was certain to be resented by the colonists. No one will believe that, were the Queensland Government as powerful as that of the Dominion, the Colonial Minister

would venture to interfere as he has done with the importation of Polynesian labourers into Queensland. *Secondly*, at home, while governments have become increasingly subject to the pressure of public opinion, the absence of sufficient interest in the public, to move them to ascertain the facts on which to form a correct opinion, has left this department of government too much to pursue its own policy. Very few Englishmen, for instance, now know anything of the difficult and complicated questions involved in the attempt of the Colonial Office to force responsible government on the Cape colonies. The truth then is, that the department has not had such clear indications of the state of public feeling to guide its action as other branches of the administration. Relying on that fact, and mistaking the time, it not long since presumed so far as to wink at, if not to approve, the propagation of ideas of colonial disseverance. To the surprise of the Ministry then in power, a feeling rapidly expressed itself in Great Britain, of such determined resistance to the threatened policy, that it has again and again been repudiated by members of the Government; and, above all, the Colonial Office has not only been eminently improved in its *personnel*, but transformed in its spirit. It is satisfactory to one who has criticized with great severity the action of that office to be able to concur with many witnesses to the ability and zeal of the present officials in every department but that of emigration.

The Canadian copyright question affords as good an illustration as can be found of the absurd position of affairs under the present *régime*. By an Imperial Copyright Act, expressed to relate to the whole of the Queen's dominions, the rights of authors to the sale and profits of their works were absolutely protected. It was open to any colonial or British author to register his books at Stationers' Hall, and acquire rights which he could enforce in every part of the empire. But our colonies in Canada, the West Indies, and Australia, had begun to taste the benefits of the American cheap publishing system, and were unwilling to forego them. A provision was therefore inserted, permitting the importation into colonies of reprints of English copyright works, provided a customs duty upon the imported books was levied by the government of the colony on behalf of the author. Canada was chiefly supplied with reprints of the works of British authors from the United States. The Canadians, however, were more anxious to inform their minds at the minimum cost than to carry out even the unrighteous bargain made by the Imperial Government, and out of large sales of their reprinted books there was transmitted to the authors of Great Britain, in one year, a few shillings. This, however, did not in the least disturb the colonial conscience. At length, when confederation had been accomplished, and the Canadians became alive to a great destiny, certain printers and booksellers were seized with an ambition to become publishers, and resort was forthwith had to the Colonial Government to devise a scheme, not for improving the literature of the country or cheapening its production, but to protect local publishers, and enable them to

acquire a copyright good against American competitors. Accordingly the Legislature of the Dominion of Canada (on the flimsy pretext that, as copyright was one of the subjects reserved in the Confederation Act from the control of the provincial legislatures, the Imperial Act in this perfunctory way had repealed the Imperial Copyright Act in so far as concerned Canada, and had conferred a jurisdiction) passed a Copyright Act requiring a British author, in order to maintain his rights, to register, print, and publish editions of his works within the Dominion; and, in default, conferring on any Canadian publisher a local copyright, good against British publications. This bold challenge to Imperial authority was not as boldly met by the Colonial Office. But Canadian publishers found that even this did not afford them sufficient inducements, and they have resorted again to a paternal Legislature to aid them in building up a local publishing trade. The late Canadian Copyright Act only affected such books as were republished in Canada, but it did not prohibit the importation into Canada of cheap reprints of any English books not there republished. Accordingly, a Montreal publisher, seeing no reason why he should not be a pirate as well as the Americans, devised an ingenious scheme for printing English copyright books a few yards beyond the borders of Canada, and then introducing them as American reprints. Struck with admiration at this device, the Dominion Parliament has embodied it in an Act, whereby Canadian publishers are virtually placed on the same footing as American book-pirates. It is proposed by this Act to permit any Canadian publisher to publish any English copyright work on paying an excise duty of ten per cent. on the selling price of every copy issued. This excise duty is only too likely to share the same fate as the customs' duty on American reprints, heretofore not collected by the Canadian Government.

I am obliged, in all candour, to say that the transaction, like the former one, is a piece of legislative juggling to protect a colonial publishing interest at the expense of the author; the author being the only person for whose interests a copyright is designed, and ought, in justice and economy, to be designed to protect. This Act has, *pro formâ*, been remitted to the Colonial Office for its approval. To that bureau three courses are open: 1. To deny the jurisdiction; and on this point the highest legal authority in England has given a decided opinion. Constitutionally, the Canadian Parliament has no more right to legislate on copyright, in a manner to restrict the Imperial Act, than on Indian finance. 2. To advise Her Majesty to give her assent to the Act, an assent which would be void as against the Imperial Act. 3. To induce the Canadian Government to modify the Act in as many points as can, in the interest of the British author, be cajoled or threatened out of the Canadian Legislature. Now, as an English author, I say that, looking at the present status in the universe of the colonial bureau, I support this latter plan, believing the first to be too dangerous to be attempted, and that the only chance for the author is to make friends with the mammon of colonial un-

righteousness. British authors may possibly gain from the colonial excise what they did not get from the customs, but I think the Canadians should at least make a show of conscience by continuing the provisions of the former Act, by which an author could, by registry within six months, and publication in the colony, obtain the local copyright.

I have gone into the details of this history not for the purpose of vindicating copyrights, but as an apt illustration of the nature of the relation of a free colony to Great Britain through the Colonial Office. It is an evidence of the absurdity of the position. There is theoretical control and practical impotency. The Colonial Minister dare not advise Her Majesty to veto an unjust and unconstitutional Bill. The Canadian Parliament deliberately disregards the interest of its fellow-citizens, and seeks to bolster up a struggling trade by the exploded policy of protection. We are in the degrading situation of being obliged to concede everything to the colony, and get nothing in return. In such a situation there is neither harmony, union, nor reciprocity; and to expect able statesmen and administrators at the Colonial Office to produce out of it anything but disaster and confusion, is to entertain chimerical hopes of miraculous interposition of Providence. It was necessary that I should in some detail discuss the adequacy of the system at this time governing our colonial relations, because there have been found persons bold enough to extol that system as satisfactory, and to assail as busy-bodies those who call its competency into question. These are of the wise men who cry peace when there is no peace.

If, in the light of what has already been said, we sum up the terms and conditions of the present relations between Great Britain and the free colonies they are these: The colonies acquiring, or having acquired self-government; this government, carried on under the supervision of a bureau in London with the aid of one person representing Her Majesty in the colony, and nominally exercising powers of veto which are really exercised by the bureau; the legislation of the colony autonomous and restricted only by the unwritten rule that it is not to collide with Imperial legislation expressly affecting the colony; the fiscal system of the colony absolutely under its own control, and, as a fact, generally hostile to British trade; no contribution by the colony to Imperial revenue; some actual expense to the Imperial Government on behalf of the colony; the Government of Great Britain holding itself bound to the protection and defence of the colony or of any citizen thereof, with all its naval and military forces, to the force of which the colony contributes nothing; citizens of the colony, citizens of Great Britain, with all the consequent rights, privileges, and franchises; the British Government maintaining throughout the world a costly diplomatic and consular service, in the general benefit of which all colonists share without contribution; the colony having its own administrative, judicial, and civil services open to its own or any British citizens; if possessing an army of

its own, that army officered by colonial officers and in no way included in or co-ordinate with the British military organization; no branches of the British service existing in the colony open to colonists, and from which is attainable graduated advancement in the Imperial service; the Imperial naval, military, diplomatic, and civil services, practically open only to residents in Great Britain, except through the Colonial Office; if through that, no interchange or concert between leading British and colonial statesmen on the matters of Imperial concern; no voice in the colony in matters of war or peace, of offence or defence; asserted legislative independence of the colony spasmodically and timidly deprecated by the colonial bureau; lastly, as an expedient to bolster up these ricketty relations, an agent of the colony, appointed to London in a quasi-diplomatic capacity, to instruct, cajole, or threaten the Colonial Office into adopting and approving the measures of the gentlemen who happen at the time to be in power in the Colonial Government; thus fitly completing the most curious, most imbecile, and most grotesque political solecism ever exhibited in history or dreamt of in dreams.

From this review it will appear how much those who are in favour of a disruption of our colonial empire have to say on their side; and why, moreover, it has been and is their part to insist upon our letting things alone. Their aim has been ill-concealed, if indeed, we can say that it was concealed at all. The Premier has propounded the policy of the Government with peculiar candour. The "great object" of the Government, we are given to understand, is "to provide a guarantee that if a separation should occur," a curious outlook for an Imperial statesman! "it should be in a friendly way," about as moral a provision as would be that of a happy couple who should agree in the honeymoon that if a separation should occur, it should not be through the Divorce Court, but by an amicable deed of separation. Mr. Gladstone invites the people of England to look forward to the time when the colonies may "*arrive at that stage of their progress in which separation from the mother country should be made.*" Such an announcement obliges us to ask ourselves the question whether, considering the state of relations I have described, an English statesman is or is not justified in looking forward to a separation, in providing that the severance shall "be made" in a friendly way, or even in admitting that such a separation is anticipated by the English Government. Grave, indeed, is the responsibility of any minister who announces to the colonists such beliefs or misgivings. It should be noted that the terms used by the Premier go far beyond the mere expression of a theoretical opinion; they are, in fact, used as a definition in the words of their author of "the secret and science of modern and colonial policy." They are intended to justify action in a given direction—that direction Imperial disintegration. The only justification of such action and such language would be, that it appeared from the cause of events to point to an inevitable necessity, or that it is an object of political expediency.

It would seem, however, that the Manchester doctrinaires, whether in the administration or the more congenial field of speculation, have found two obstacles to the process so confidently premised. One is the awkward, strange, Quixotic, and stupid patriotism of the colonists, who cling to their British name and citizenship with singular tenacity; the other is the development at home of a dangerously powerful public opinion against any project or anticipation of colonial separation. This has caused a slight change of front, and we have the result in the ablest and most remarkable article on the colonial question that has yet appeared, written by Professor Thorold Rogers, and published in the last series of the Cobden Club Essays. I may fairly sum up the article in these words: The colonists, as dependencies or quasi-dependencies, are no strength, no honour, and no advantage to Great Britain, and ought to be excised; the present position is untenable; but as independencies they may be, and ought to be, if possible, maintained in union, federal or otherwise, with Great Britain. Thus, Professor Thorold Rogers has arrived at the same conclusion reached before the American outbreak by Adam Smith, whose book he so ably edited. That great man was too keen an observer not to allow for forces too little admitted by the modern school of economists usually denominated "Manchester." While he argued very strongly against the advantage of colonial dependencies, he saw and declared that it was not to be expected that any nation would voluntarily give up an inch of territory; and going farther, admitted that if the way could be seen to some form of federal union, in that would be found the true solution of the difficulties he had propounded. We reach, therefore, a point of approach between those who contend that the colonies are not only directly beneficial to Great Britain, but a source of additional power and prestige, and those who, like Professor Rogers, dispute the economical advantages of the colonial relation, while they admit the importance or attractiveness of a federal union.

I do not propose to repeat here the arguments from common nationality, from mutual and reciprocal interests, from opportunities of emigration, from common advantages of protection, defence, and diplomacy, which I have elsewhere frequently adduced in favour of the retention of our colonies in union with Great Britain. All those arguments would go to strengthen the case in favour of any improved form of union, and to illustrate the absurdity of a convention simply dependent on the forbearance or good-will of the parties. I have come to the deliberate conclusion that the existing system of relations is ephemeral, and that those relations are incapable of improvement under the present system; that they must become increasingly impotent; and that to the Imperialists, whether at home or in the colonies, but one course is open, namely, to look forward to the absolute independence of the colonies as a precedent condition to a closer and more rational combination.

The policy of the future, then, is to be based on the doctrine and ntention of the indivisibility of the empire. It must recognize

inalienable rights of British citizenship to be invested in all colonists on the one hand, and the correlative responsibilities and duties of that citizenship on the other. Its outlook will be towards the preservation of a relationship originally filial now growing into a more equal brotherhood of nations. Starting from this principle of permanent union, it must declare and foster the unalterable wish of the English people, and the earnest desire of the colonies never to be separated by any act but the act of God. It must scout all womanish forebodings of any other destiny. It will hold it to be a crime to leave anything undone to draw together in secure bonds a kindred that is one, or to do anything that, in the face of nations everywhere aggregating into nationalities, will leave the Anglo-Saxon race a scattered and disjointed people. It will resolve that any one who sows a seed of bitterness in these fair-growing and far-spreading dominions, is an enemy, not only to progress and civilization, but to Christianity and humanity. Its energies will be given, not in the peddling manner of the parish beadle, but in the able and noble spirit of the highest statesmanship, to devise, to counsel, to argue, to think, and labour for an empire, one in its Christianity, its nationality, its international interests, its future destiny.

Such being the outline of the high duty of Imperial statesmanship, it becomes necessary briefly to consider more particularly what is to be aimed at, and what improved form of union is practicable?

I. On the ground that it is not possible for long to maintain the relations now existing, some of the best thinkers in the colonies have advocated total independence. It naturally appears to those who suffer from the effects of a vicious system that the only remedy is to abolish it altogether, when very often this root-and-branch process of improvement is more disastrous than some less heroic means of cure. Canadian statesmen of eminence have been found to agitate for Canadian independence, and in Australia a Royal Commission reported in favour of a scheme by which it was sought to retain some of the benefits of the connection with Great Britain without cost or danger to the colony. The words and proposal are too significant not to be quoted. "The British colonies," says the report, "from which British troops have been withdrawn, present the unprecedented phenomenon of responsibility without either any corresponding authority or any corresponding protection. They are as liable to all the hazards of war as the United Kingdom; but they can influence the commencement or continuance of war no more than they can control the movement of the solar system, and they have no certain assurance of that aid against an enemy at war with the United Kingdom upon which integral portions of the empire can confidently reckon. This is a relation so wanting in mutuality that it cannot be safely regarded as permanent, and it becomes necessary to consider how it may become so modified as to afford a greater security for permanence." Thus far we have important testimony to the colonial notion of the character of existing relations, but the Commissioners go on to recommend: "The Commissioners propose to meet this

difficulty by constituting, under the sanction of the Imperial Parliament, the Australian colonies, quasi-sovereign States, subject to Her Majesty, with power to make treaties with each other, and with other States, and with power to concur in or stand aloof from England's quarrels, as may, to the colonies, seem wise and expedient." One only abstains from laughing at the singular simplicity of this proposal from respect for the authority and evident sincerity of those by whom it is advanced. Even, were other nations to be content to recognize a bond which might be severed at any convenient moment, in order to defeat their tactics, it is hardly possible that the people of England will consent to a union dependent on colonial caprice, while they afford to the colonies the privileges of British citizenship. In fact, the union, to stand the test of time and trial, must be complete with due acceptance of a common responsibility, and due security for the performance of correlative rights and duties.

II. Other plans have been suggested, and one proposal is to admit a limited number of colonial representatives into the Imperial Parliament. This proposal is superficially attractive, but it is based on forgetfulness of the nature of the British Parliament, and blindness to the inevitable results of such an arrangement. The British Parliament is not only an Imperial, but a provincial or parochial legislature, the latter element much predominating. As a further complication there are three principal provinces, for which it legislates in the minutest particulars. It not only supports on its shoulders the affairs of the world; it regulates the method of supplying water or gas to small towns; it passes a law to relieve a duke from difficulties in the transfer of his property; it changes the land laws of one province, the education system of a second, the sanitary organization of a third; thus exercising a maternal watchfulness over the pockets, the brains and the bowels of different nations. It is a huge machine which loves to exhibit the adaptability of a Nasmyth hammer in forging some tremendous enactment, or gently cracking a legislative nut. Is it to be thought of for a moment that to all this work the local affairs of the various colonies should be added, or that representation in our present House of Commons should be proportionally increased from the colonies; or that such a constituted House should still retain its diffuse jurisdiction? Anything short of this, the admission of a few colonial members, would be delusive and useless; and indeed is a proposal not worth the discussion. The information which it is suggested they would be able to impart to the House would not be listened to by those to whom it is now a matter of indifference.

III. A council of advice for the Colonial Office similar to the India Council has been suggested. This would not materially alter the Colonial Office system. The council could do no more than advise, and being practically irresponsible, and certainly powerless, one cannot see that its effect would be other than to encumber the existing *régime*. In this age no assembly of councillors, however

exalted, can be anything but a debating committee, unless it is invested with authority based on representation. Such schemes and others that have been proposed are designed to be established upon the basis of administration by the colonial bureau, a basis I have shown to be equally incompetent and unstable. We shall have to go to deeper principles and vaster changes than these, and we may therefore ask ourselves, as an aid to the solution of the problem, "What must we set before us in attempting to bring about a closer union between Great Britain and her colonies?" And the answer to this question is assisted by considering the advantages which such a union might be expected to afford.

I. We shall then find, from the British point of view, that such a union offers—(1.) The distinct advantage of a separation between Imperial and provincial or local questions, involving the relief of the Imperial Legislature, however constituted, from the pressure of what may be termed parochial business. (2.) Increased compactness and breadth of Imperial statesmanship. (3.) The inevitable result of leading the way to the adoption by our colonies of sound principles of finance, and of free trade. (4.) The advantage of greater facilities for emigration and intermigration, supervised by a joint authority of some experience instead of by an incompetent British department. (5.) Freedom from colonial jealousy and a general consensus in Imperial policy. (6.) Contribution to naval and military expenses and the expense of diplomacy.

II. From the colonial point of view, besides some of the above advantages, there might be anticipated the following—(1.) Assurance to the colonies of their Imperial footing—an object which the majority of colonists everywhere deem of supreme importance. (2.) Common Imperial citizenship. (3.) Military and naval organization for the whole empire, with greater security, distributed expense, universal availability. This involving the opening to colonists of local facilities for entering the Imperial naval and military services.* (4.) Diplomacy, national and international action on the general behalf, springing and responsible not from and to one overpowering member of the empire, but from and to all. (5.) Perfect independence within their own sphere in all matters not Imperial. (6.) Improved and extended commercial relations with Great Britain. (7.) Larger immigration, following upon the establishment of permanent union. It will be objected to all this that Canada, facing the United States, ought, as a matter of common sense, to see that her relation to Great Britain is a continuing source of danger to her, as it is to Great Britain. Few Canadians permit this to influence them, and throughout the American difficulty the Canadian people—all honour to them for it—showed a far firmer front than our own. The dangers of any designs by the United States upon Canada are chimerical, as I hope and believe now is the danger of a war with

* It is true that in Australia such facilities were for some time provided, but the colonists then, I believe, did not avail themselves of them to any great extent.

Great Britain. The Canadians foresee that as they develop the magnificent resources of their great dominion, as their population increases, and when the means of communication multiply to a daily service from both sides of the Atlantic, Canada will be more and more able to hold her own against American competition, and, if she maintain her connection, will become a vast outlying suburb of Great Britain. It is idle to ask Canadians to forego their British citizenship, their British prestige, and their Imperial prospects for the doubtful promises of independence or annexation.

Reviewing, then, the advantages which I have enumerated as to be sought and gained by a closer Imperial union, it will be found that they can only be secured in one way. No plan can be conceived of as likely to meet the difficulties that at present arise to endanger the connection, which does not provide for an equal distribution of the Imperial expenses, hold out a prospect of free trade, assure local independence, and promise permanency of the union. These and the other advantages are not to be sought for in a colonial council, or the admission of a few members to the Imperial Parliament, or by a customs union like that proposed at Sydney. They can only be attained by placing each proposed member on an equal footing, by affording proportional representation to some common legislative council, and by a carefully defined scheme of relative rights and liabilities. Anything short of this is a delusion, and the only possible method of its attainment is by some form of federal union.

It is impossible here even to summarize the principles of federalism, or to show why and how they are applicable in the proposed circumstances. Suffice it to say that differences of tariffs, of legislative organization, or even of standards for the franchise, interpose no obstacles to federation. Such differences were to be found in the original United States and in the North American provinces. But there are two forms of federation, one or other of which must necessarily be adopted. 1. A federal union of separate states or governments, each preserving its autonomy and sending to a federal council, empowered in general matters to act for the whole, representatives selected by the governments. 2. A federal union of different states into one people, each state possessing a certain amount of power and autonomy, but conceding to a central government chosen by the whole people of the states, composing the federation, certain powers and authorities, either co-ordinate with, or superior to those of each state, over all the citizens in common. Such federations are those of the United States and Canada. In the first case, the federal authority deals only with the separate governments, which send to it their representatives; and it is clear that such a federation may at any time be endangered by the simple refusal of the State Government, the Government possibly not representing its people, to perform any act enjoined by the constitution. Whereas, in the second case, the federal administration deals

directly with individual citizens, and has a collateral authority with the government of the state. Each citizen feels himself to be bound up with it, to be represented in it, and to be concerned in all its acts. Such a union I conceive to be the one form of federal combination which will solve all the difficulties of the colonial problem. To it a condition precedent is the independence of the free colonies. It will embrace as members the provinces of Canada, or Canada as a group of members; the provinces of Australasia, or the group of Australian colonies; the Cape colonies, and Great Britain and Ireland. To each member or group will be reserved all rights of local legislation or administration. The present Imperial Government will remain as the representative of the British division only; or each of the three kingdoms will have its separate provincial legislation for provincial matters. The Imperial legislation may consist of one council formed by proportional representation of all the members, or may consist of two Houses like that of the United States. These representatives will be elected directly by the people of each province or group of provinces. Their jurisdiction will be confined to Imperial matters. India, the military stations, and the Crown colonies, will be placed under the administration of the Imperial Legislature and executive. Of this great confederation the Queen will remain the head. Viceroys or lieutenant-governors, nominated by her, will represent her executive power in each province or group, as may be determined. This great change may be made without suppressing a single Legislature, without altering the franchise or the form of government in any member of the proposed federation.

Such in outline is the design of a British Imperial system, based on principles of equality and justice and common weal. Professor Rogers shall answer for me the stock objection that the members would be so widely severed as to render government impracticable. He says: "There is no difficulty in carrying out the projects, because the colony is so distant from the seat of government. In the days of Adam Smith a journey from the north of Scotland was almost as lengthy as one from the Antipodes would be now. For the six years during which the great economist was a student at Oxford he never went back to his native town in Fifeshire for the long vacation. But the improvement in the means of transit from place to place is not the only difference between our day and the condition of the civilized world a century ago. Science has provided a means of communication between distant regions which is almost instantaneous. Before long an Australian might make his speech in the British Parliament and be reported in the papers of his province nearly as soon as he could be in Dundee or Dublin. In a few years the news of the world will be almost simultaneously distributed in every place where news is published." The proposal, then, is not chimerical. Everything favours its consideration. From the insecurity and impotency of the present to a security and a power hitherto unmatched even in our glorious history: from

doubt and confusion to certainty and solidity of government our Christianity, our humanity, our patriotism, urge us to win our way. It is no easy task, but it is one worthy of men.*

Mr. F. P. LABILLIERE read a paper on the subject, "Permanent Union of the Empire desirable, and how maintainable." The paper began by noticing the progress of the colonial question, and how the official tone of the Imperial Government towards the colonies has lately changed from that of ungenial politeness to decided heartiness. It then proceeds to consider the two heads of inquiry into which the question practically resolves itself. 1st. Is it desirable that the empire shall remain permanently united, and if so, then what must be the ultimate bond of political union? Since Professor Goldwin Smith propounded his theses, events have belied his anticipations. The expense of the colonies to this country has been greatly reduced; ten years' growth have been added to their strength, to their ability to defend themselves, to the weight they could contribute to the power of a consolidated empire. Happily, Canada has ceased to be a probable, and has become only a remotely possible, source of danger to this country. We have entered upon an era of amity with the United States; and France, the only other nation that could possibly have assailed England in what we are told is her weakest point, viz., her colonies, has no longer the power, even had she the will to do so. The unworthy fears with which Professor Smith tried to frighten England ingloriously to abandon her colonial empire have become more unreal, and its continued growth and development must still more palpably prove them to have been baseless. But if fear will not prevail with England, perhaps avarice may; and so in the name of economy she is told to rid herself of her splendid heritage. The so-called argument of economy, which would prove the empire not worth having, if its profits and advantages cannot be clearly demonstrated upon balance-sheets, and computed in pounds, shillings, and pence, is then met "upon its own low level." It is contended that the independence of the colonies would at once increase the expenditure of this country in time of peace, there being no greater certainty of the cost and danger of war being lessened to her. She would have "to pay ministers and consuls where she now sends governors at no cost whatever, to maintain war vessels to protect her commerce just as at present, but with the additional expense of having to form and keep up fortified harbours and coaling stations, now provided for her by the colonies, whose ports are as much hers in peace, and would be as exclusively hers in war, as hostile to her foes as if situate in the United Kingdom. Are not such advantages capable of computation in a good round sum of money?" Another equally worthy argument of those who counsel disintegration—that it is

* In the discussion of this subject, and in the absence of an authorised report, I am obliged to admit that considerable opposition was raised to the views contained in this paper.—ED.

desirable the colonies should separate because England can trade with them just as well if separate from her—is described as only having to be stated in plain English to be self-repellant. England will never become such a nation of shopkeepers in so bad a sense of the term as to be utterly regardless of the great moral and material advantages she may derive from preserving in union with her the whole of that empire at the head she is placed. The writer showed that the advocates of the unity of the empire have the principles of true economy on their side; that the expenses of the colonies would be augmented by separation, as those of England would be. They would have to organize costly diplomatic and consular services, to largely increase their land and sea defences, and to endeavour to create navies, unless they were content to trust for safety to their insignificance as tenth-rate Powers. In the future, for England to be separated from the rest of her empire will be to remain stationary, or comparatively so, while newer countries grow up to and out-strip her in population, wealth, and power. After dealing with other objections to the union of the empire, and advocating the principles of federation, the paper thus concludes:—The whole sum of the matter seems to be that the maintenance of the unity of the empire is desirable, and consequently a central government will be required to represent all its portions, giving each that weight which, from its importance and the share it will take in the defence of the empire, may be its due in all imperial questions, such as peace, war, defence, and foreign affairs. If this is to be effected, our children, if not ourselves, must see the establishment of a real federation, with a Parliament and executive as distinct from and superior to those of England and of the different colonies, as the new Legislature and Government of United Germany are distinct from and superior to the chambers and ministries of Prussia and Bavaria, or the Federal Governments of the American Union of Switzerland as distinct from and superior to those of the states or cantons of which these two confederations are composed. We should not perhaps at first attempt to set up a very complete federal government. Our object may probably be best reached by beginning with the simplest form of federation we can devise, provided it answers the description, always keeping in view, and moving forward towards, something more perfect; for the history of federalism in America, Germany, and Switzerland, where it has had as many and greater difficulties to surmount than any it will with us have to encounter, shows that the tendency of the system, when once it is planted, is to take root, grow, and ripen into greater perfection. Its introduction among us would assuredly create throughout our empire an enthusiasm for, a loyalty to, our union probably as strong as that of the Americans for theirs, when it became apparent to what a position federation would elevate both England and the colonies.

Mr. William Westgarth contributed a paper on "The Policy of Extending the Empire." He said that within a time still so recent that our seniors may recall it, our country took such very decided views of the value of colonial possessions and colonial accessions,

that had they lasted until now any discussion like the present would have been entirely out of the question. Even a great war might then have been regarded as not waged in vain if it had resulted in adding a colony or two to our swelling list. Now the tide has altogether turned. Gratuitous offers of colonial possessions have actually been refused. Magnificent territories, such as Easter or New Guinea, are still practically open to us. But a new idea has taken our prosaic age, and the glories of empire extension seem to have departed. The causes for this remarkable change of sentiment are not far to seek. We had in those past days what we no longer have to-day: bellicose and defiant notions, which harmonized well with national boasting about an ever-extending empire on which the sun never sets. Again, the full possession of the government and patronage of colonies was all in accordance with the political notions of those pre-reform times. We had trade-protection notions, too, that, in the belief of the day, held out even compensating commercial value from a very costly colonial system. Above all, in those dignified times, we had a lofty indifference to mere money questions —to the incidental debit or credit of the colonial account. We have changed all that to-day. Colonies we say are comparatively prosperous places, and our people emigrate there to better themselves. What need of imperial money? Rather the reverse; and the view now arising at home is that colonies should not merely defray all their own expenses, but contribute to those of the empire. Our change of view on the colonial question has been decidedly helped by another circumstance of very great importance. We have conceded self-government (as the phrase is) to our colonies. Only a generation past we were checking or snubbing their persistent aspirations in this direction. Now our Government has gone so completely into the opposite mood that colonial ambition seems even too tardy, and requires such broad hints as have been more than once of late conveyed to the Cape colony. We have latterly been even urgent with political concessions, because, as the colonists have been unmistakably apprised, and as our Cape exemplar very well knows, with their self-government they relieve the parent State of all responsibilities and costs. We are to infer from Government utterances of late years that the two considerations, "responsibilities and costs," are mainly what stand in the way of any extension of the empire. There has been no denial that such extension may be otherwise objectionable, and even in certain circumstances most desirable, as when a foreign occupation of adjacent territory would thus be anticipated. It seems to have come down to us as a traditional belief that a colony cannot be formed without a countless throng of officials and many other causes of preliminary expense. This lingering feeling has come of that distrust of colonists of fifty years past, which made our grandsires fancy that their emigrating countrymen could not be retained in loyal connection except by these official bonds. The bearing of colonists since the concession of self-government ought to have completely dissipated that unworthy idea.

May we not say it has really done so, only that we linger on in an old practice? We are thus warranted in a most important step in empire extension. The writer referred at some length to the Fiji and New Zealand cases in support of his argument for extending the empire, and showed that in calling upon our Imperial Government to extend the bounds of the empire as any advantageous opportunity might occur, there was not necessarily incurred either alarming expense or needless responsibility. Occasionally some spot must be officially colonized for political or other reasons, as when South Australia created Port Darwin, or when, shortly before, the Imperial and Queensland Governments jointly formed a settlement near Cape Yorke. In such cases there must be some preliminary outlay. But, as a rule, he believed that these opportunities of extension will be presented ready made, so to say, to our Government by the spirit of colonizing enterprise that still actuates our countrymen over the world. In proof of this, he mentions besides the Fijian operations, the outfit lately of a considerable private expedition from Australia to colonize New Guinea. No more important step could now be taken towards extending our empire. A generation hence, when New Guinea may be studded with thriving British settlements, we shall reflect with amazement that this magnificent country should have remained so long unclaimed by civilization. Speaking generally, therefore, colony founding and empire extension may be expected to make their own way, as well as to pay their way as they go along; and if our Government would henceforth substitute a vitalized for a paralysed step in following suit, some difficulties would be smoothed and some stimulants superadded to such promising proceedings. The Imperial Government should ever, when reasonably appealed to, act directly in the annexation of territory rather than through the less influential medium of a colony. The aboriginal populations, where there are any, are thus more strongly impressed, the colonists themselves more satisfied, while the Imperial influence and example are always, in this direct way, more powerful for good to all parties.

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*On the Transfer of Land.** *By* Sir ROBERT R. TORRENS, M.P.

THE question of applying to estates and interests in land the principle of conveyancing by registration of title has frequently been discussed in this Association. I have undertaken to bring it again under review, with the additional light thrown upon the subject through the labours of the Royal Commission on the Land Transfer Act of 1862 (Lord Westbury's), and more recently by the Parliamentary returns, exhibiting the working of the corresponding Act in Ireland (Record of Titles Act, Ireland, 28 & 29 Vict.),

* See *Transactions*, 1871, p. 173; *Sessional Proceedings*, 1871-2, p. 61.

and by the Blue Book, containing the reports of governors of the Australian colonies, testifying the complete success of the same principle there, applied under a different method.

As the question may be new to some of my hearers, I will commence by endeavouring, in as few words as possible, to explain the radical distinction between "conveyancing by deed," and "conveyancing by registration of title." Title by deed, we are informed, by probably as high an authority upon the subject as any in England (Mr. Freshfield), can never be demonstrated as an ascertained fact; it can only be presented as an inference more or less probable, deducible from the documentary and other evidence accessible at the time being."

This condition involves, in the first place, the employment of highly skilled and therefore costly professional assistance. 2ndly. An element of uncertainty through the admitted possibility of a wrong inference being drawn from the evidence even by the most skilful conveyancer, and from the difficulty of ascertaining beyond doubt that all the evidence is fully and clearly before him. 3rdly. This examination involves delay, sometimes such delay as entirely to frustrate the object of the party dealing: and, lastly, it has the disadvantage of being cumbrous from the mass of documents that have to be preserved.

In contrast to this, "title by registration" is a tangible ascertained fact. The entry in the record is conclusive. There is nothing to deduce or infer, or, in the conduct of ordinary dealings, to necessitate professional assistance. The time occupied in such dealings need not exceed that required for transacting the like dealings with railway scrip, or with property in shipping, and the instrument evidencing title would rarely exceed the size of a sheet of letter paper. The results of conveyancing by deed are so graphically and perfectly stated by Lord Cairns that, though often referred to, I will again venture to quote from his great speech on the occasion of introducing his Bill for Registration of Title in the House of Commons, in 1859. His lordship says:—"You buy an estate at an auction, or you enter into a contract for the purchase of the estate. You are very anxious to get possession of the property you have bought, and the vendor is very anxious to get his money. But do you get possession of the property? On the contrary, you cannot get the estate, nor can the vendor get his money, until after a lapse—sometimes no inconsiderable portion of a man's lifetime—spent in the preparation of abstracts, in the comparison of deeds, in searches for encumbrances, in objections made to the title, in answers to those objections, in disputes which arise upon the answers, in endeavours to cure the defects—not only months but years frequently pass in a history of that kind; and I should say that it is an uncommon thing in this country for a purchase of any magnitude to be completed—completed by possession and payment of the price—in a period under, at all events, twelve months. Sir, the consequences of this were stated in the report of the Commission

to which I have referred in words so apposite that, if the House will permit me, I should desire to read to them. The Commissioners state in their report, 'When a contract is duly entered into, the investigation of the title often causes not only expense, but delay and disappointment, sickening both to the buyer and seller. The seller does not receive his money, nor the buyer his land, until the advantage or pleasure of the bargain is lost or has passed away.' Unquestionably, sir, that is one and a very great evil under which we labour. But that is not the greatest evil. I can well imagine that the purchaser of an estate would be content to submit to delay, and even to some considerable expense, if he were assured that, when the delay and expense were over, upon that occasion at all events he would have a title as to the dealings with which, for the future, there would be no difficulty; but, unfortunately, that is not the case. Suppose I buy an estate to-day. I spend a year, or two, or three years in ascertaining whether the title is a good one; I am at last satisfied. I pay the expense—the considerable expense which is incurred—in addition to the price which I have paid for my estate, and I obtain a conveyance of my estate. About a year afterwards I desire to raise money upon mortgage of this estate. I find some one willing to lend me money, provided I have a good title to the land. The man says: 'It is very true that you bought this estate, and that you investigated the title, but I cannot be bound by your investigation of the title, nor can I be satisfied by it.' Perhaps he is a trustee who is lending money which he holds upon trust. He says: 'My solicitor must examine the title, and my counsel must advise upon it.' And then as between me, the owner of the estate, and the lender of the money, there is a repetition of the same process which took place upon my purchase of the estate, and, consequently, the same expense is incurred as when I bought it; and for the whole of that I, the owner of the estate, and the borrower of the money, must pay. Well, that is not all. Months or years after all this is completed, from circumstances, I find I must sell my estate altogether. I find a person willing to become a purchaser. The intending purchaser says: 'No doubt you thought this was a good title when you bought this estate, and no doubt this lender of money thought he had a very good security when he lent his money; but you are now asking me to pay my money: I must be satisfied that the title is a good one, my solicitor must look into it, and my counsel must advise upon it.' Then, again, commence abstracts, examinations, objections, difficulties, correspondence, and delay. I am the owner of the estate, and I must pay substantially for 'the whole of that, because, although the expense there is paid in the first instance by the purchaser, of course, in the same proportion as that expense is borne by him, in the same proportion will he abate the price which he will give for the estate.'"

In contrast to this I would refer to the results of "conveyancing by registration of titles," of which we have a perfect example in this country and in this great commercial port. You need but walk

down to the custom-house, and there you may see an ordinary mercantile clerk, without any difficulty and with perfect security, conducting transfers and mortgages of property in shipping, and the time occupied in thus dealing with a vast property such as that of the *Great Eastern* would not exceed half an hour. Here I may be told that land, in essential characteristics, differs from shipping property, and therefore may not be dealt with in the same way. To which I reply that the essential difference, immobility and divisibility, far from preventing, do greatly facilitate dealing with land by registration of title, especially as regards the complication of the record, through the frequency of joint ownership arising out of the indivisibility of shipping property. For an example of the results of this principle when applied to land, I must, I regret to say, refer to transactions outside these islands.

A few weeks back a friend of mine expressed surprise at meeting a gentleman whose arrival from Australia was not expected for some months. "Yes," said this gentleman, "it is all owing to that admirable Act of your friend Torrens that I am here so soon. Only two days before the packet sailed I had an offer for my estate. The intending purchaser went with me to the Lands Title Office, and in less than an hour the business was transacted; I got a cheque for the purchase-money, and he got an indefeasible title to the land, and as we did the business ourselves, the cost was only three or four pounds."

Again, a gentleman residing in Launceston, Tasmania, writes to me as follows: "Your Act has proved a great blessing to us here. Recently I purchased a sheep station for my son, and being 5000*l.* short of the purchase-money, I mortgaged some land for the amount. The transaction was completed in less than half an hour, and as I did the business myself, the whole expense was only 15*s.*, which under the old law would have been 20*l.* or 30*l.*, and I should have considered myself lucky if I got it done under a month or two."

The foregoing may suffice to place in contrast the procedure and the results of the two systems, and I will now review the attempts hitherto made, I regret to say without success, to apply the system of registration of titles to lands in this country.

I am I believe right in ascribing to Mr. R. Wilson, an esteemed member of this Association, now deceased, the honour of being the first to bring forward in anything like a practical, systematic form the principles of registration of title. Nearly cotemporaneous were the labours of Mr. Vincent Scully, also deceased; and prominently amongst the earlier advocates of this cause stand the names of Mr. Daniel, Q.C., and Mr. Edward Webster, also a member of this Association.

Official duties connected with the transfer of property in shipping suggested to me, in 1850, the feasibility of applying the same method to dealings with land, though it was not until 1856, that, failing in my endeavours to induce any of my professional friends to take the matter in hand, I essayed what to a mere layman was a very for-

midable task, and brought out my scheme in the form of a Bill—I confess a very defective one, as I too timidly followed the language as well as the forms of my model, the Shipping Act.

This Bill in an amended shape was introduced into the Legislature of South Australia in 1857, and became law.

In May, 1857, the Royal Commission on Registration of Title made their report, and two years later, Lord Cairns, being then Solicitor-General, introduced into the House of Commons Bills to give effect to the recommendations of that report, which Bills, unfortunately interrupted in their course by a dissolution, never passed into law.

In 1863, assisted by an Irish barrister, Mr. H. D. Hutton, I drafted a Bill to supplement the Irish Estates Court Act, with provisions for conducting by registration of title all future dealings with lands passed through that court; thereby avoiding the re-imposition of complications and doubts from which that process had just relieved them. This Bill, introduced into the House of Commons late in the session by the Right Hon. William Monsell, M.P. for Limerick, and the Right Hon. Henry Herbert, M.P. for Kerry, did not become law; and in the next session the Government took the matter in hand, and carried through Parliament the Record of Titles (Ireland) Act, which repeats many of the defects which caused the failure of Lord Westbury's Act in England. Time will not admit of my giving any detailed account of these measures. My object in enumerating them is to call attention to the fact that they all concur in differing from the Land Transfer Act of 1862 (Lord Westbury's), and from the corresponding Irish Act in this: that they exclude trusts from the register, and do not attempt a compromise between incompatible systems, "conveyancing by deed," and "conveyancing by registration of title"—errors which, I venture to affirm, have contributed to the failure of those measures more than any of the causes assigned by the recent Royal Commission, to whose report I will now call attention.

This report is divided under three heads. Part 1 gives merely a retrospect of "previous inquiries and Parliamentary proceedings" relating to the subject. Part 2 contains the conclusions arrived at by the majority of the Commissioners relative to the "working of the Act of 1862, and the causes of its failure." Part 3 sets forth "suggestions for the alteration and improvement" of that measure.

I have already, so far as the limited time at my disposal may permit, given the retrospect which forms the subject matter of Part 1. Part 2, p. 14, of the report, commences with the statement that, "As the number of applications for registration during the six years that the Act has been in force did not average more than 80 per annum, and are falling off, it is clear that the amount of business done is insignificant, and its progress affords no hope of increase." The first alleged cause of failure—the hostility of solicitors to the system—the Commissioners summarily dispose of by

stating, "It would certainly be strange if there were any myth in such an explanation as this. Those who are capable of taking broad views know well that every reform having the effect of expediting business also leads to increased profits." In this there is a transparent fallacy. No doubt expediting business generally tends to increase profits; but the question here is, Whose profits? It was not the hand-loom weavers who profited by the expediting of the production of cotton fabrics through the instrumentality of machines, neither will it be the solicitors who will profit by their functions, as such, being superseded in the ordinary dealings with land by way of transfer, mortgage, &c., &c. It would, however, be both unreasonable and unjust to ascribe the failure of this measure to any corrupt or interested opposition on the part of the profession, so long as there remain radical defects such as in the judgment of this Royal Commission, and, as admitted by Mr. Spencer Follett, the head of the Department (*see* par. 25, p. 85, of the Appendix), "render it impossible to give the system the success it ought to receive to render it of sufficient public advantage." The evidence, moreover, is sufficient to show that some at least amongst the leading conveyancers were willing, nay, desirous to adopt the system, if only the measure under which it was applied were such as they could conscientiously advise their clients to come under.

The report next refers to an obstruction *in limine*, occasioned by the requirement contained in the 5th section of the Act, that the applicant for registration shall make out not merely "a safe holding title" but a perfect marketable title, such as a Court of Chancery would compel an unwilling purchaser to accept. The delay, trouble, and expense of clearing titles from numerous purely technical blots, sure to accumulate in the course of sixty years under the existing system, operating to deter proprietors from the attempt to register, the Commissioners are unanimous in condemning this provision as unnecessary and inexpedient, and in this opinion they are supported by an overwhelming mass of evidence.

It is a strange and damaging condition arising out of the system of conveyancing peculiar to this country, that a man may be in possession under what the most punctilious conveyancer would admit to be a perfectly safe holding title, and yet not be in a position to enforce a contract for sale on an unwilling purchaser owing to some purely technical defect. Such a condition diminishes seriously the value of land, and serves no purpose save that of supplying legal gentlemen with pretexts for requisitions and inquiries to be repeated every time the property is dealt with; a source of income to them, but of delay, irritation, and expense to the landowner.

The remedy for this state of things which registration of title offers is one of the chief recommendations of that system, and that it may with safety be resorted to we have proof to demonstration in the experience of the Irish Estates Court, and the Australian Lands Titles Commission.

More than one-seventh of all the lands in Ireland have been

passed through the alembic of the Estates Court, with only one case of error of sufficient importance to be worthy of notice; and in Australia no less than 18,233 distinct titles (a considerable proportion of them complicated or blistered) have been placed upon the record without practical injury or injustice to any one. Under the system there in force, the requisitions which the applicant for registration is required to satisfy are:—1st. That he is in undisputed possession. 2nd. That in equity and justice he appears to be rightly entitled. 3rd. That he produces such evidence as leads to the conclusion that no person is in a position to succeed in an action of ejectment against him. 4th. That the description of the parcels of land is clear and accurate. These being satisfied, advertisement and the service of notices calling upon all claimants to show cause against the applicant's title within reasonable time, are found to be sufficient safeguards against risks arising out of technical defects, and (in accordance with an ancient practice under English law), in the event of nonclaim within the prescribed period, indefeasible title is issued to the applicant.

The requirement of accurate description of the land is next objected to on the score of expense, but a fair consideration of the evidence will show the complaint on this score to be greatly exaggerated, not to say baseless. Colonel Leach, R.E., of the Survey Department, states in reply to queries 316 and 318: "The expense of survey is from 1*s.* to 2*s.* per acre, according to the size and character of the property; but the cases in which we have to require a new survey are very few. As a rule, the tithe maps are sufficiently correct." And again, 390: "I may say that our entire expenses, including the examination of documents, the perambulation of the property, and the preparation of maps, &c., have varied from about 3*l.* the lowest, to 20*l.* the highest. 441. "Since the commencement of the work we have not found the slightest difficulty either as regards the maps, or in ascertaining all necessary particulars respecting the boundaries of the properties registered." Fortunately this is so, for this objection, if well-founded, would lie not against the Westbury method, but against the applicability of registration of title under any method whatever; for, as Colonel Leach says, query 373: "An indefeasible title would be of comparatively little value unless the lands to which the title applied were defined. Such a title would in fact apply to the individual, not to the land, and not a plot of land could be said to have or be dealt with as having an indefeasible title." Surely immunity against disputes and litigation between neighbours, thenceforth for all time, may amply compensate for this trifling delay and expense incurred once for all in the preliminary stage. But be this as it may, those who argue against the requirement of strict definition of boundaries forget that the aim and object of registration of titles—the motives for incurring inconvenience and outlay which the first placing land on the record entails—is the security, facility, expedition, and economy in future transactions attained by cutting off the retrospective character of

titles. If parties dealing are still to be necessitated, or even permitted, to look behind the simple entry in the record, and to refer to old deeds or other evidences, whether for encumbrances, boundaries, or any other purposes, the end and object of registration of title, its *raison d'être*, in short, will be lost. They will be thrown back into the power of the attorneys, bound hand and foot, and all the evils so graphically described by Lord Cairns will be perpetuated.

The third alleged cause of failure is the admission of trusts to be disclosed on the register, which practically involves the recording officer, or the party dealing, in the responsibility of interpreting deeds and looking after the appropriation of proceeds, conditions scarcely compatible with the simplicity and facility in dealing aimed at in the Bill brought forward by Lord Cairns and practically secured under the measure in operation in Australia; which, though permitting declarations of trusts to be deposited for safe custody and reference, requires the trustees to be registered, with absolute powers of disposition and sale, beneficiaries and *cestui que* trusts being protected by a system of caveats requiring notice of intention to deal, and by a "no survivorship" clause amongst trustees. This defect, though dwelt on by all the witnesses as weighty and valid, is but slightly adverted to in the report coming incidentally under their objection "C," registering partial interests.

These are the objections urged in the report. It will be seen that though two of them, the requirement of "a perfect marketable title," and the "disclosure of trusts" on the register, are admittedly valid and weighty; the first, as tending to deter a large class of landowners from availing themselves of the system; and the second, as interfering with desired and attainable facility in dealing with a particular set of interests, yet they cannot reasonably warrant the unqualified condemnation which the measure has received; since, if these were the only defects, it would still be available for by far the larger and more important class of dealings with land. There are, however, other defects, radical and fatal, which, though they are indicated with sufficient authority and distinctness in the evidence printed in the Appendix, have escaped the notice of, or at all events have not been noticed by, the Commissioners, or rather by those of them who are not dissentients from the report.

I would refer, in the first place, to the cumbrous and involved mechanism set up for carrying the system into operation, and which in the opinion of Colonel Leach and other witnesses, and by the admission of Mr. Spencer Follett, would not admit of its operating on "any such scale as would render it of sufficient public advantage." Section 14 prescribes that the register shall consist of three separate books, viz., "The Register of Estates," to contain merely the map and description of each parcel of land; "The Record of Titles," in which are to be set forth the various estates and interests held in each parcel; and the "Registry of Mortgages and Encumbrances" affecting the same; reference from each of these books

to the other to be maintained by a series of numbers. After an experience of over twenty years in conducting registration in shipping and in land, I have no hesitation in saying that such a method as this trebles the work, and gives occasion for error and confusion which scarcely any vigilance could entirely prevent, and this without any compensating advantage as compared with my method by one book, in which a distinct folium is opened for each parcel of land, which folium contains a map and the record of every estate and interest which it can concern a purchaser or mortgagee to be acquainted with. Distinct pages or chapters under the volume being set apart for the dealings with leasehold interests in the same parcel.

Again, we have in sections 67 and 68 a curiously complicated method of effecting dealings by means of "certificates," "special certificates," and "powers of attorney," necessitating the employment of professional assistance.

In contrast to this, the owner of each recorded estate or interest under my method receives an instrument evidencing his title, which is in fact a counterpart or duplicate of that portion of the register which relates to the same, and this contains a printed form of agreement for transfer, discharge, or surrender, as the case may be, to be signed by the parties wherever they may be, in presence of notaries or commissioners for taking affidavits, and transmitted by post for registration.

It is an invidious position, thus instituting comparison between my own work and that of a jurist so eminent as the author of the Act of 1862; but I would observe the question here is not one of law, but rather of official mechanism; yet to escape from the position, I avail myself of the report of "The Legal Committee of the Irish Registration of Titles Association" upon the point. These gentlemen (barristers and conveyancers) say, pp. 20 and 31 of their report:—"We view with regret the abandonment of the valuable duplicate method of the Torrens system, so conducive to the security and simplicity of dealings with recorded land, the substitute offered for which is a plan which involves the necessity of a twofold system of 'land certificates,' and 'special land certificates,' causing needless delay and expense, and which may not improbably lead to confusion. The provisions of the Torrens system appear to us well adapted to the requirements of this country. These enable parties to transact their business in the localities in which they reside, and provide for the execution of the instruments in an easy and at the same time a safe way.

"On the other hand, the Government Bill obliges the parties to attend in person at the office, or to authorize some person by power of attorney to represent them there. These provisions appear to us to be deficient in that practical and flexible character, without which it is hardly possible the new system could work well.

"The Torrens system mainly corresponds with the Bill of Lord Cairns. Under it mere trusts are, justly we consider, excluded from the register, and the plan of recording estates and charges

under settlements there suggested, and practically applied, is, we apprehend, more in harmony with the essential principle of registration of titles, as distinguished from that of deeds, and the proposal to place the same land simultaneously under two systems appears to us very objectionable, as likely to increase expense and lead to confusion."

The fatal objection to this measure is that though professedly an Act for applying to land the principle of registration of title, that principle is neither enunciated in the preamble nor carried out in the provisions. On the contrary, the principle of conveyancing by registration of assurances is distinctly affirmed in the governing section (the 63rd), relating to dealings with registered land; thus, "Registered land may be conveyed, charged, settled, or dealt with in or by any of the following modes or disposition, that is to say, by statutory disposition in any of the forms described in this Act. 2ndly. By endorsement on the 'land certificate.' 3rdly. By deposit of the 'land certificate.' 4thly. By *any deed, will, judgment, decree, or instrument, by which such land, if not registered, might now according to law be charged, settled, devised, dealt with, or affected.*"

Here distinctly it is the execution of the instrument, and not the entry in the register, which is made operative to pass or affect the land.

The true principle is thus set forth in the corresponding provision of my measure (sect. 31): "No deed or instrument shall have effect to pass or charge any estate or interest in land; but so soon as the Recorder of titles shall have entered in the record the particulars of any transfer, charge, or dealing, the estate or interest shall thereupon pass or become charged," &c.

The Legal Committee, whose report I have before quoted, give their judgment upon this the main question, as follows (p. 27). "The point concerns the fundamental principle of registration of titles, as distinguished from registration of deeds, namely, that the entry in the record alone shall constitute an official dealing, the instrument executed by the owners being, like the railway transfer or bill of sale of a ship, only the authority to the officers to make the entry which confers the title. The Torrens system has adopted this principle, and appears to carry it out fully and consistently. There is, we think, considerable room for doubt whether the corresponding provisions of the Government Bill are adequate and sufficiently clear."

Out of eleven Commissioners, six express dissent from the report upon this point, and their views upon it are thus forcibly expressed by one of them (Mr. H. Thring): "In my opinion, a register of titles should in no case be a register of the contents of deeds, but should be restricted to the names of owners of certain estates in land known to the law, or capable of being defined by statute; in other words, a register of title should not be in any respect a record of evidences of title. The system of registers, established by the Act of 1862, is not in accordance with the above principles. That Act requires a record of legal instruments affecting registered land to be entered

on the register, and allows in certain cases the whole contents of such instruments to form part of the registered title. Such a system appears to me to differ little from an incomplete registry of assurances, and to possess all the disadvantages without the advantages of the numerous schemes formerly proposed for the registry of deeds, I therefore think the existing system of registry should be altogether discontinued."

I would wish to call special attention to this, the opinion of an actual majority of the Commissioners, because there is great danger lest the acknowledged failure of Lord Westbury's Act of 1862, and of the corresponding Act of 1866, applied to Ireland, should be mistaken as involving the failure of the principle of registration of title, so long advocated by this Association. Whereas, in truth, that great principle has not been put upon its trial at all in either of those measures, but only a hybrid measure blending together the incompatible principles of registration of assurances and registration of title. Part 3 of the report contains suggestions for alteration and improvement of the Act of 1862.

The first suggestion is that estates should be placed on the register without indefeasibility, either as regards boundaries or title. This is advocated on the plea of alleged antagonism between indefeasibility and facility of proof in this preliminary operation; but the evidence of Colonel Leach, which I have already quoted, appears conclusive as regards boundaries, and all the witnesses are agreed that the expense, delay, and trouble, so far as they constitute antagonism, are attributable to the requirement of a "perfect marketable title," to be made out to the satisfaction of the examiners. Experience in the colonies and in Ireland has abundantly proved that there is no serious difficulty or risk in converting "good holding titles" into indefeasible, and that the expense, delay, and trouble, once for all incurred, are insignificant as the price of security, facility, and economy, thenceforth obtained.

The Commissioners argue (par. 63): "The thing wanted is not security of the landowners, for they are secure enough now, nor security of purchasers, for they are content with what they have got; but ease of transfer. So little do purchasers want indefeasibility that they will, for the sake of saving cost to themselves, or even out of merciful consideration to other contracting parties, overlook certain blots and defects, forego requisitions, and be content with slender investigation."

The fallacy of this reasoning is that the Commissioners transpose cause and effect. When, occasionally, purchasers "overlook blots and defects, forego requisitions, and are content with slender investigation," the reason is not because they are content (as alleged) with imperfect titles, but because, where the amount at stake is small, they elect to encounter risk rather than incur the enormous expense, delay, and trouble entailed by investigation. To the Commissioners query, "Why should we aim at transfer with indefeasible title?" we reply, because, without it, the facility of transfer, which they

rightly describe as the "thing wanted," is unattainable, as purchasers, and especially mortgagees, would still require the evidences to be investigated, and thus the retrospective charter of title, the source and origin of insecurity, cost, delay, and trouble in the existing system, would be perpetuated. The Commissioners propose to admit to the register leases of twenty-one years and upwards, and yet would exclude tenancies for life, and other limited ownerships, the effect of which would be to exclude from the advantages of the system all entailed estates, comprising, as these do, the bulk of the rural lands in the kingdom. For these the existing system would have to be kept up, and we should have two opposite methods of dealing with land perpetuated in the same country. It is difficult to imagine any pretext for admitting leasehold interests, which will not apply with equal or even greater force to limited ownership; and experience has sufficiently proved that these may be dealt with under registration of title as readily and as advantageously as any other estates whatsoever.

The report next recommends that mortgages be excluded from the register. The sole argument put forward in support of this recommendation is contained in par. 67, as follows: "The principle to be adhered to is that there shall be but one substantive interest on the register, viz., the absolute ownership; and that all others shall be protected by notice." Why this should be adhered to as a principle is not stated, and we have just seen that the report itself recommends that it should not be so adhered to in the case of leases.

This recommendation is contradictory to the report of the Commission of '57 to the Bills of Lord Cairns and, I believe I am correct in saying, to the views heretofore expressed by every authority on the question of conveyancing by registration. Though allowed a place in the report, it is expressly condemned by a majority of the Commissioners. See the dissents of Messrs. Waley, Thring, Wolstenholm, and others, who point out (pp. 36 to 46) that mortgagees would not be content with the protection afforded by notice, and would insist upon being registered as absolute owners; which would be objectionable, as placing landowners and second mortgagees in a position worse even than that in which they stand under the antiquated and factitious system at present in operation.

Mr. Thring is explicit upon this point, and says (p. 43): "The facility which a register of title would afford for charging land seems to me one of the greatest benefits that such a register would confer upon the public. Assuming, then, that the interest of a person entitled to a charge can be defined by law, it seems to me most desirable that it should be entered on the register. I am of opinion that the possibility of defining such an interest for the purposes of registry is clearly proved by the Bills brought in by Lord Cairns in 1859, and I therefore think that any Bill providing for a register of title would be incomplete, unless it contains provisions enabling charges to be recorded on the register." Again, Mr. Walpole and

Lord Justice Giffard say: "It appears to us that a subordinate registration of mortgages is quite as important as the registration of title to the absolute owners or to beneficial lessees, and we cannot therefore concur in the recommendation that all partial interests other than beneficial leases should be kept off the register."

As no portion of the method which I have been instrumental in establishing in the Australian colonies has worked with greater facility, or been productive of greater advantage to the community than that which relates to charges on land, I will here as briefly as possible describe that method.

The old fiction of transferring the legal estate is abolished, and the object is accomplished by a direct instead of by a circuitous course. In the language of the Act "mortgage and encumbrance shall have effect as security, but shall not operate as a transfer of the land thereby charged, and in case default be made in the payment of the principal sum, interest, annuity, or rent charge thereby secured, or in the observance of any covenant, and such default be continued for the space of one calendar month, or for such other period of time as may therein for that purpose be expressly limited, the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed, and that sale will be effected unless such default be remedied."

In such case, the registered proprietor of the charge may proceed to sale, and should the sum bid be inadequate to cover the amount secured, he may foreclose without further expense or delay, by producing to the registrar evidence that the requirements of the law have been complied with. In either event, the registrar is required to register the proprietor of the charge, or his purchaser as owner of the land. The Act further enables the proprietor of the charge, in such case, to distrain or enter into receipt of rent and profits.

Charges are released by memorial entered on the appropriate folium of the register, and upon the certificate or other instrument evidencing title, which memorial the registrar is required to make upon production of receipt for the sum of money, annuity, or rent charge; or upon production of evidence of the decease of the annuitant; or that the circumstances or conditions, upon the occurrence of which the charge was contingent, have ceased to be possible.

These charges on land are transferable by endorsement in a simple form, printed on the back of the instrument, evidencing the charge, and, as the title is indefeasible, they pass as freely as Exchequer Bills between parties acquainted with the value of the property to which they attach. The expense attendant on creating a charge is but 10*s.*, the cost of transfer 5*s.*, and of release 5*s.*

Equitable mortgages for the purpose of securing cash credit, and advances for fluctuating amounts, and also when parties desire secrecy, are created under this system with a degree of security and facility for realizing unattainable under the English law of conveyancing, because the title is indefeasible, and so long as the banker

retains the certificate of registration of that title no dealing therewith can take place without his consent. Should the banker desire further to secure facilities for realizing on the contingency of the death or insolvency of his creditor, he may require "a contract for charge," duly executed on a prescribed printed form, to be deposited with the certificate, either specifying a fixed amount, or, as is more usual, for such sum as may prove due on balancing accounts at some future date, and on the occurrence of either of the events above referred to he can, by presenting these instruments at the Registry Office, convert his equitable lien into a registered mortgage.

The report rejects the demonstrations of experience whenever adverse to the theories it advocates. Thus, whilst it is admitted that as applied to transfer and mortgage of property in ships, the results of registration of titles are all that can be desired, it is argued that the system is inapplicable to dealings with land, because "ships are legally divided into sixty-four parts. The share in a ship is an abstract thing, though the ship itself is a concrete thing, and one of the simplest description, and unalterable so long as it remains in existence at all. But land is concrete altogether. There is no such thing as an abstract acre of land, and the same acre may vary in appearance and description at different times." The reply is that the Commissioners are wrong in their facts. So far from a ship being unalterable so long as it remains in existence "at all," it is a matter of frequent occurrence that ships are completely altered both in hull and rig. Cut in two and lengthened; brigs and schooners converted into barques, and *vice versa,* giving occasion for fresh description on the register; but as regards land, the reverse is the case. True, an acre of land may be altered in appearance, converted from a garden to a building site, &c.; but for purposes of description on the registry, that is absolutely matter of indifference. It is the external outline and the relative position alone that we need regard; and as land is measured as a plane, these will remain the same even though the acre should be uphove by an earthquake. Again, as regards shares in shipping, they are no more abstract things than shares in land; and if, owing to the indivisibility of a ship, they are more frequent than joint tenancies—tenancies in common and coparcenerships combined—that circumstance, so far as it has any effect at all, tends to facilitate registration of property in land, by diminishing complication in recording dealings with so many distinct shares in the same property.

In the same way the success of the Irish Estates Court in conferring indefeasible titles is ignored as a precedent for England, on the plea that in the former country "There has been a most accurate survey," and this in face of the evidence of Colonel Leach, that "the tithe maps are sufficiently correct;" and that "since the commencement he has not found the slightest difficulty either as regards the maps or in ascertaining all necessary particulars respecting the boundaries of the properties registered."

So again it is argued that the complete success of the system in

the Australian colonies would only "mislead us were we to attempt to imitate them, because in those colonies the land has been recently granted out by the Crown after official survey." Now, it is a fact that the official survey here referred to is so inaccurate as to constitute the greatest difficulty we had to encounter in the colony of South Australia, where the system was first applied, and to that extent the conditions existing in this country are far more favourable.

To the argument from the more recent origin of titles in the colonies, it is only necessary to observe that many of the titles there dealt with, and those amongst the most valuable, date back forty years or upwards, and that, owing in part to unskilful conveyancing in the earlier days, and in part to the frequency of dealings with land in new countries, complications and difficulties no less grievous than those which oppress the landed interest in this country had been superinduced upon comparatively recent titles.

Admitting freely that there are in this country some titles so defectively evidenced that it would be unsafe to place them on the register, I must remark that titles of the like character are by no means unknown in the colonies, and here as there they must be left to be cleared by efflux of time under the Statute of Limitations. Such titles are admittedly rare and exceptional, and their existence is no argument against, but on the contrary, a cogent reason in favour of, applying to the great mass of good holding titles a system which will guarantee them against ever falling into the like predicament. The conveyance or declaration of the Estates Court, Ireland, and the recording of the title under the English Act of 1862, do practically remove all doubts and complications, and, to all intents, place the land, for the purpose of being dealt with under the system of registration of titles, in the same position as land recently granted out by the Crown in the Australian colonies.

Part 3 of the report, which we have now been discussing, is headed, "Suggestions for alteration and improvement," but, strange to say, it contains no suggestions for either one or the other; but after condemning the system as hopeless of any progress, and incapable of being extended on any such scale as would render it of sufficient public advantage, they recommend, regardless of the great expense which it involves (p. 32), "that the existing system of registry be continued for those who desire to avail themselves of it;" and propose to set up side by side with it another system, applicable only to fee-simple estates and beneficial leases, and without guarantee of indefeasibility, leaving the transfer of these estates and interests to take effect upon execution of a deed or instrument, and not upon registration, and excluding not only trusts, as proposed by Lord Cairns, and practised in Australia, but also settled estates, tenancies for life, reversionary interests, mortgages, charges, annuities, and other encumbrances, and the dealings with them. This proposal appears to be correctly described by Mr. Thring, one of the dissenting Commissioners, as "an incomplete registry of assurances, possessing all the disadvantages, without any of the advan-

tages, of the numerous schemes formerly proposed for registration of deeds." It is difficult to perceive any inducement held out to the landowner, or to the beneficial lessee, to place his property under such a system. The benefit, such as it is, would not be realized in his lifetime, and even for the next generation, the Commissioners tell us (p. 33), their system "would not confer a title theoretically, or in terms indefeasible." For this the landowner would have to surrender the privilege which he now enjoys and justly prizes, of entailing his estate by direct settlement, without the instrumentality of trustees, and would gain no additional facility or economy in transacting mortgages, charges, leases, or other dealings. The suggestion, therefore, should it ever be embodied in law, would, in all probability, remain a dead letter; but if to any extent acted upon, we should have three systems of conveyancing in force at the same time: Lord Westbury's Act of '62, for the 507 titles already recorded under it; the Act suggested by the report for such as may use it for transfer of fee-simple estate and leasehold; and the old law for all other dealings.

In order to estimate the degree of authority that should attach to this report, it must be borne in mind that of eleven Commissioners, two refused to sign it at all, and six attached their signatures with qualifying dissents upon leading points. The report, therefore, can only be regarded as expressing substantially the views of three Commissioners out of eleven.

The amendments really necessary in order to render this Act of 1862 a true embodiment of the system of conveyancing by registration of title, so as to put that system fairly on its trial, may be compassed in a very few words, although one of them involves a radical change. I will enumerate them in the order of their importance. First abandoning the attempted compromise between registration of title and registration of assurances, to repeal clause 63, which makes property in land to pass upon execution of a deed or instrument, and substitute for it the corresponding provision of the Australian Act, which declares that estates and interests in land shall pass or be affected by entry in the register; and instruments when executed shall have effect only as authority to the officer to make such entry, and as contract between the parties. Secondly, in order to facilitate the first placing of land upon the register, a relaxation of the stringency of the requirement of section 5, so as to allow the recording officer to accept for registration "good holding titles," in the event of non-claim after service of notices and due advertisement. Thirdly, repeal of section 14, in order to substitute the simple and effectual method of recording by one register book, with instruments evidencing title to each separate estate or interest, upon the model of the Shipping Act, and as in operation in Australia; for the method by three register books, with land certificates and special land certificates, was condemned by Colonel Leach and other witnesses, and admitted by Mr. Spencer Follet to be unsuitable for the conduct of business on such scale as would render it of sufficient public

advantage. Fourthly, the amendment of section 32, so far as to exclude uses and trusts from being disclosed on the register.

I cannot bring this long paper to a close without drawing attention to the Blue Book, recently presented to Parliament, giving replies from the governors of the Australian colonies to the circular despatch of Her Majesty's Secretary of State, calling for reports on the working and progress of the system of conveyancing by registration of title there in operation. Time will admit of my giving only very few extracts.

From South Australia, the colony in which this system was first applied to dealing in land, Mr. Henry Gawler, barrister, Examiner of Titles, thus reports: "The working of the system since its commencement in 1858 has been most satisfactory. No hitch of any consequence has ever occurred. No proposals for the amendment of the law in principle have been made, and but few for its amendment in detail." "We have several cases of 'estates for life,' and in remainder, or for separate use with powers of appointment, and do not find the slightest difficulty in dealing with them." This report is confirmed by the Registrar-General, Mr. J. B. Andrews, who says: "The Torrens Act continues in as much favour with the public as ever, and is working satisfactorily. Notwithstanding the large number of applications to place titles under its provisions (11,808) already made, we are still receiving applications averaging eighteen per week." Mr. Tarleton, Recorder of Titles in Tasmania, thus reports: "The ease and expedition with which mortgages, transfers, leases, &c., are transacted constitute one of the real property Act's greatest advantages. Instead of the slow process of inquiry into the title of the mortgagor or vendor under the old method of conveyancing, instead of the inevitable delay and expense occasioned by the furnishing abstracts of title and the preparation of long and costly deeds, the whole transaction under the new system can be completed in a few minutes, without the aid of legal advice, and at the very trifling expense of registration fees. In fact, it is an every-day occurrence for parties to come to the office, sign the proper forms filled up by the clerk according to their instructions, pay over the money then and there at the counter, and walk off with their business completed." "Of the mode in which this principle is carried out I can say with perfect truth that up to the present day the progress of the Act has not been impeded by any serious obstacle, and that upon the whole it has worked with a facility and smoothness which leave little to desire. In short, the success of this new system is no longer with us a problem, nor its benefits a matter of doubt. It has become an established institution, of which the peculiar advantages have been thoroughly recognised by the community."

The replies addressed to the governors by the officers intrusted with the conduct of the business in the other colonies are to the like effect; but as I have in preceding portions of this paper given the testimony of landowners as to their experience of my system in the matters of sale and mortgage, I prefer occupying the brief space

remaining at my disposal with the testimony of a banker. Mr. Wright, manager of the National Bank of Australia, thus reports, in reply to queries put by the secretary to the Irish Registration of Titles Association: "During a long residence in Australia, I have had continual opportunities in my banking experience of comparing the working of the Torrens Act with the old system, and have no hesitation in expressing my opinion that it is working in a thoroughly practical manner, and is a very great boon to the community. There are many small properties in the colony, which, under the old system of conveyancing, must have cost in law charges in a few years an amount equal to the freehold value. Under the new system, the cost is trifling, the transfer is completed easily and without delay. To the agricultural classes especially, the Torrens Act has been of the greatest service. Requiring as they do occasional temporary advances at seed time and harvest for their farming operations, they are now able to offer to capitalists a first-class security under mortgage, the cost of which is only half-a-guinea, obtaining lower terms of interest, and saving the expensive costs of the old system, and reducing the per-centage on the advance to nearly half what it used to be. It is almost impossible to estimate adequately the benefit the Act has wrought in this respect alone."

After all, however, the most reliable evidence of the beneficial working of any system is afforded by the extent to which the public avail themselves of it. Up to the date of report given in the Blue Book, from which I have last quoted, no reply had been received from Queensland, but my system had been in operation in South Australia twelve years, in New South Wales seven years, in Tasmania eight years, and in Victoria eight years. The statistics from these colonies show the progress at first to have been slow, but gradually to have increased year by year as the public gained confidence from its success and became aware of its advantages, until the aggregate amount of work performed up to the middle of 1870 attained the dimensions exhibited in the following table:—

	Titles recorded.	Value of the Lands comprised.	No. of Dealings recorded.
New South Wales	2,500	£3,024,992	5,700
Victoria	3,125	2,217,341	33,918
Tasmania	1,908	750,894	800
South Australia	10,700	7,390,584	49,478
	18,233	13,383,811	89,896

The advantages derived from this system by the inhabitants of those colonies may be thus summed up. The procedure is so simple and ready of accomplishment that parties dealing for the most part transact their own business. A saving of nineteen shillings in the

pound sterling has been effected in the cost of conveyancing. The wealth of the community has been increased by restoring to its intrinsic value, as building sites, land which, deprived of that special character by imperfect evidence and technical defects in title, lay waste and unprofitable. The value of land as a basis of credit has been raised by the extraordinary facility and security with which equitable mortgages and registered charges are effected, and the ease and rapidity with which the title may be transferred from hand to hand. Through the simplification of titles, so that each freeholder stands in the same position as a grantee direct from the Crown, the risk of Chancery suits have been reduced to a minimum, and a ready and inexpensive procedure in foreclosure and ejectment has been obtained.

The earnest desire to see those benefits participated in by the landowners of this country may, I trust, be accepted as my sufficient apology for so long trespassing on the patience of the meeting.

DISCUSSION.

In the discussion on this paper some valuable suggestions were made by Mr. Freeland, Mr. Daniel, Q.C., and Mr. Serjeant Cox. The latter said that the main cause of costs was the necessary inquiry into charges not accompanied with possession. He proposed the following as a practical remedy: 1. To place land, like personalty, under the Statute of Distributions. 2. To limit entail to a life or lives in being. 3. A local registry of all charges on land not accompanied with possession. 4. To extend to all real property the powers now given to companies and public works, of discharging all charges whatever by payment into court of their value, for the benefit of the persons entitled to them. 5. The enlargement of all lesser estates to freehold by a proceeding in the nature of the enfranchisement of copyholds. 6. The payment for all conveyancing by a scale according to the value of the property conveyed, save in very special cases to be approved by the court. All of these suggestions, he said, were perfectly practical, and would effect the desired improvements without revolutionary changes.

The PRESIDENT (Sir John Coleridge), in summing up, said he had never been able to perceive the obstacle to applying to land the system of transfer which answered so well when applied to shipping; but as his learned brethren, one and all, had declared that to be impossible, he had become impressed with the belief that there must be something wrong in his intellect, as he failed to perceive the impossibility. The remarkably clear and logical paper which was read by Sir R. R. Torrens relieved him from that painful impression, and the statistics of the successful working of his system in Australia amounted to demonstration, so that the man who denied the practicability of applying it, might as well deny that two and two make four.

Copyhold Law Reform. *By* H. W. FREELAND.

I AM anxious, without attempting to discuss or to suggest anything in the nature of a general scheme of Copyhold Law Reform, to direct attention to four points, which seem to me to call for legislative action. The special points to which I wish to advert are—

1. The multiplication of heriots by the severance of copyhold tenements. 2. False entries upon court rolls. 3. Stewards' charges on copyhold transactions. 4. Stewards' compensation. I will not enter on any lengthened disquisition on the nature and origin of heriots. The Real Property Commissioners speak of them as "a remnant of that barbarous state of society which existed at their introduction by the Danes." Tomlin, the author of the "Law Dictionary," refers to Spelman and the laws of King Canute himself, to show that the Danes were the first inventors of heriots. Lambard, in his "Perambulation of Kent" (as quoted by Tomlin), speaks of the heriots which now continue among us and preserve that name, as seeming rather to be of Saxon parentage, and at first to have been merely discretionary. Sir Edward Coke, however, in his "The Compleat Copyholder,"* says that as they now exist, they were utterly unknown until the Norman Conquest. Sir Edward Coke says:—

"This our herriot is twofold; herriot-service, herriot-custom. Herriot-service is that herriot which is never due without special reservation, and is seldom reserved upon any less estate than an estate of inheritance. Herriot-custom is that herriot which is never due upon special reservation, but is challenged upon some particular custom, and is usually paid upon an estate for life, and for years, as well as upon an estate of inheritance. Touching the original of these herriots, doubtless they are not of that antiquity which the name doth promise, for though among the Saxons the name of herriot was known, yet the nature of both these herriot-services and herriot-custom was utterly unknown until the coming of the Normans, who immediately upon the Conquest changed the name of the Saxon-herriot, and termed it by the name of a relief, leaving, notwithstanding, some difference betwixt them; for where the Saxons' herriot consisted usually in the payment of some military weapon, our relief in those days consisted wholly in the payment of a certain sum of money. And presently after the Normans had thus wholly altered the name and somewhat altered the nature of the Saxons' herriot, then, upon the parcelling of their lands unto inferior tenants, they invented this new kind of service—unknown among the Saxons—and termed it by the name of herriot-service. Afterwards, upon the infranchisement and manumission of certain villains, these herriot-customs were given to the lords as a continual future gratulation. So that originally, as Britton and Fleta well note, they were granted meerly *ex gratia* (out of favour), but now time hath effected it that they are challenged *ex debito* (as due)."

It is important to observe that Lambard speaks of them as having been at first merely discretionary, and that Sir Edward Coke speaks of them as having been granted "out of favour," though now they are challenged as due, or of right. But whatever their origin in past history may have been, we shall all, I think, agree in the

* Coke's Law Tracts, "Compleat Copyholder," p. 24.

remark which was made respecting them by the Real Property Commissioners, who pronounce the heriots to be "a reproach to the law of England."

We shall all, I hope, think that legislation ought to step in, to prevent, by a declaratory enactment, the continuance of them in a needlessly multiplied form, and by compelling the commutation of them for fixed sums prior to any future severance of any copyhold tenements, to render impossible any further multiplication of these odious incidents of tenure.

The multiplication of heriots arises in the following manner:—If a copyhold tenement, held by or as one copy, has been divided by sales or otherwise into say two or ten parts prior to enfranchisement, not one but two or ten heriots may be seized, and so upon each successive subdivision. The custom arose in this way:—Since you cannot divide a heriot, if it be of the best beast, the lord must on a subdivision get two heriots, or ten, or none, and so on. If, however, the whole ten subdivisions of the tenements reunite in one copyholder, then, on the authority of *Garland* v. *Jekyll*, 2 Bing, 273, the lord gets not ten heriots, but one only. The reason of the thing and the necessity of the case have ceased, and with it the oppressive custom ceases. But, says the steward of a manor under which I am a copyholder, if you buy all the parts save one, say nine parts out of ten, nine heriots and one are still to be settled as against you and the owner of the remaining one-tenth part. I suppose, too, that under clause 6 of 21 & 22 Vict. cap. 94, the steward would in such a case claim two-thirds of nine sets, and two-thirds of one set of the usual steward's fees, as what is called steward's compensation. It seems to me, however, that the reunion of several parts of a subdivided tenement in one copyholder ought to have the same effect in his case as the reunion of all the parts, both as to heriots and as to the so-called steward's compensation, nor should I fear the decision of the Copyhold Commissioners under a compulsory enfranchisement. They cannot, however, decide finally a question of law.

It seems to me, then, that a short declaratory clause might meet the difficulty, and I have framed one, which I subjoin. It might be desirable to add a clause making it compulsory, prior to the future subdivision of tenements, to commute a heriot for a sum of money not exceeding a sum to be specified by the Act, apportionable between the divided portions. Then in any enfranchisement, for which trustees and others are not able at all times and under varying circumstances to find the immediate means, fixed sums and not heriots of best beasts would have to be dealt with.

The doubts existing on this question, if indeed they can be said to have any legal foundation, appear to me to have arisen from the circumstance that in Scriven's important work on "Copyhold Tenure," he says, p. 459, vol. i. ed. of 1833, that "after alienation of any part of heriotable lands, separate heriots would be payable, although the lands should again unite in the same person." Among

the authorities cited in the note is the case of *Garland* v. *Jekyll*, although strangely enough only a very few pages back (p. 454), he had quoted the words of Chief Justice Best in that very case to the following effect. After referring to what might possibly have been the effect of a finding by the jury that a custom of the kind had prevailed within the manor, the learned judge said: "There is no custom found that on a reunion the multiplied heriots are to be paid. It has been discussed as a question of law, and we are to say whether, without any custom being found, it is the necessary legal consequence, that when an estate has been divided and again reunited, all the heriots are to be paid after the reunion of the several estates that were paid whilst it was divided. We say that there is no such law, no such doctrine." It seems to me, therefore, that Mr. Scriven's paragraph is entirely at variance with the principal case which he cites in support of it.

As regards false entries upon court rolls, the Real Property Commissioners speak of the stewards (that is, of course, some stewards), and I hope that they are the rare exceptions, "as making irregular entries on the rolls, and procuring irregular presentiments by the homage of heriots being due on the death of tenants, and of payments being excused or compromised with a view to make evidence to extend the lord's claim on a future occasion." As to abuses of this kind the remedy is not easy, and it is difficult to get at facts. I think, however, that a power might be given to the Copyholders Commissioners to send an application from a copyholder or copyholders with an undertaking as to costs, as assistant commissioner to examine the rolls of a manor, and on discovery of fraudulent entries, to take or advise such steps as they might think desirable for procuring the punishment of the offender, with power also to the board to mulct him in the stewardship.

With regard to stewards' charges on copyhold transactions, a writer, who signs himself "E. J. A.," in a letter in the *Times*, dated May 28, 1872, speaks of a charge for stewards' fees exceeding the lord's fine, and the charge undoubtedly appears enormous. Mr. Garland, in a letter also addressed to the *Times*, says that stewards sometimes demand exorbitant fees, always without the knowledge and concurrence of the lord, from whom the transaction is concealed. I fear so too, and the temptation to do this is increased now that the steward is entitled to compensation for loss of fees on enfranchisement, as if, though liable to dismissal at any moment, he had, equally with the lord, a vested interest in the manor. As to abuses of this kind, a power, similar to that last mentioned, might be vested in the Copyhold Commissioners. They should also be empowered, as they have the advantage of long experience, to prepare a scale fixing a maximum of stewards' costs and fees on copyhold transactions, reducible in the case of very small holdings to a scale bearing proportion to the value of the property.

As to stewards' compensation the time has, I think, arrived when on grounds of public policy, which is to favour enfranchisements, a

further reduction should take place. Stewards would, if this were done, and a scale of fees laid down by the board, gain much in point of social position. Now, these costs, fees, and compensations expose them not only to hostile feeling but to suspicions frequently most unjust.

The time has, I think, arrived when the Legislature should seriously consider what further steps can be taken; and I have ventured to indicate some of them, to remedy the abuses incidental to copyhold tenure, and to extinguish the tenure itself at the earliest possible moment. Copyhold tenure, with its heriot customs and incidental exactions, has long been, and is not only "a reproach to the law of England," but a disgrace to a civilized community. My declaratory clause is as follows :—

"Whereas it is expedient that the multiplication of copies and heriots arising on the first severance, or subsequent severances, of any copyhold tenement, held originally by a single copy of court roll, and liable to a single heriot, should not be carried farther than the necessity of the case and the reason of the thing required. And whereas doubts have arisen whether in any case in which, after any such severance or severances as aforesaid, two or more of the parts originally held by a single copy become by descent, exchange, or purchase either at one and the same time, or partly at one time and partly at another, reunited in one copyholder, the lord is not entitled on death, alienation, or enfranchisement, to claim more than the single heriot to which he would have been entitled in respect of the said tenement prior to such severance or severances as aforesaid ; and it is expedient that such doubts shall be removed. Now it is hereby enacted and declared, &c. That where before or after the passing of this Act any two or more of the parts of any copyhold tenement held originally by a single copy of court roll, and liable on death, alienation, or enfranchisement, to the payment of one heriot only, and since subdivided, shall have been, or shall become, by descent, exchange, or purchase, either at one and the same time, or partly at one time and partly at another, reunited in one copyholder, such two or more parts so reunited shall for all intents and purposes, including admission, constitute a single copyhold tenement, and shall not on any death, admission, alienation, or enfranchisement, be liable to, or to the payment of, or compensation for more than one heriot, or to the payment of, or compensation for, more in any case than one set of customary steward's fees, any custom or manorial usage to the contrary in anywise notwithstanding."

MISCELLANEOUS.

Mr. W. T. S. Daniel, Q.C., read a paper on "The Second Report of the Judicature Commission." He spoke of the care which had been bestowed in the preparation of both reports, and then proceeded to remark that the public and profession had been

gradually prepared for extensive changes in the judicial system. The subject of his paper was limited to a consideration of the probable effect upon the interests of suitors of the changes proposed for extending the jurisdiction of county courts, and making them integral parts of high courts. The first report unequivocally condemns the division between law and equity as the source of many acknowledged evils, and records the failure of the attempts made since 1851 to cure the evils by blending jurisdictions, giving to courts of equity some of the powers of courts of common law, and to those courts some of the powers of courts of equity. It proposes also the total abolition of distinction, and the establishment of one superior court, in which all separate jurisdictions of superior courts of common law and equity shall be consolidated and merged; such courts to be divided into as many divisions as the nature and extent of the business and the interests of the suitors require. All procedure to be uniform; all pleading simple and untechnical; the evidence oral before the court—trial either by 1, the judge himself; 2, jury; 3, official referee—the original hearing as in Chancery to be in the first instance before a single judge. In substance, these changes would convert the superior courts into courts of first instances upon the model of the Courts of Probate and Divorce, the procedure, pleading, and practice in which are under the personal control of the judges. He then considered the effect of such changes upon the existing Chancery and common law procedure in suits and actions, and pointed out that many suits now brought to a hearing at great cost and delay in pleading, and evidence would be disposed of by the judge as the original application, and that in claims which are now the subject of actions at law, the plaintiff's case and the defendant's answer being a simple intelligible statement, sufficient without prolixity, accurate without needless technicality, precise without needless formality, the real question of controversy would be eliminated and ascertained by judicial authority, and the proper mode of trial determined. How many would be disposed of by the judge himself? how many by reference to an official referee? how few would justify the intervention of a jury? The changes to be thus effected in judicial functions and professional habits would be difficult to realize, but the ideal revolution may be represented by the physical fact that Lincoln's Inn and Westminster Hall will have ceased to be the seats of the administration of the two separate systems of law and equity, and one single system will be established under the single roof—the new Palace of Justice. It must be assumed that all the Commissioners who signed the first report abided by the recommendations then made, and foresaw and intended their consequences. County courts were not within the scope of the first Commisson, and in the first report the Commissioners point out their increasing importance and the aggravated anomalies and evils which grew up out of the three separate jurisdictions which they then exercised—common law, equity, and Admiralty. The Bankruptcy Act, 1869, had since passed, and added to the county courts a

jurisdiction in bankruptcy more extensive than that proposed by any superior court of law or equity. On the 9th October, 1869, a Supplemental Commission was issued, to include county courts; and on the 6th of August, 1872, the second report was made. The leading recommendation is, making the county courts integral parts of the supreme court, and giving them unlimited jurisdiction in all civil matters, subject to the removal, as of right, in cases above a certain prescribed limit, or of a certain prescribed character; and as consequential upon this change the abolition of assizes and of all other local courts. After extracting from the report the fact which described the bankruptcy jurisdiction in county courts and its necessary effect in administration, Mr. Daniel observed that the Commissioners appeared to have considered that the experiment they made had warranted a further extension of jurisdiction to these courts, but the report does not show how the experiment has worked nor the results it has produced. He also maintains that the procedure and practice are apparently simple. By the bankruptcy rules every application is by motion, the evidence is *viva voce* and interrogatory, and a shorthand writer may be employed to take down the evidence. Mr. Daniel then gave his own experience as a judge, that under this simple system cases of great difficulty and importance, such as under the old system would have involved special cases or suits in equity, are disposed of satisfactorily to the suitors and the profession without delay and at little cost. He quoted from the Comptroller's returns, showing that this extended jurisdiction worked beneficially, and that if the county court judges do make mistakes, the reports of their judgments will at any rate show that there was no fear, as apprehended by Lord Penzance, that the standard of judicial excellence would be lowered. In support of his argument he referred to statistics laid before the Commissioners as striking illustrations of the procedure and cost of actions, and stated that in the face of these figures, the suggestion to send back their small causes to be tried by a judge of a superior court upon some improved circuit system cannot be entertained. The abolition of assizes and all local courts was the necessary consequence of the abolition of the double system of judicature. If there were no longer to be actions at law, where would be the excuse for assizes? If sittings should be required for trial of issues of fact they might be appointed, but the necessity for such sittings would not arise if local courts of first instance were properly constituted in convenient places, with a properly qualified staff, judicial and ministerial. Any exceptional cases might, with greater convenience and less cost to the public, be tried in the metropolis. Local courts, also, being founded upon the double system, some being only common law, some only equity, must follow the fate of their separate systems and their jurisdiction by being absorbed into the single system. The reorganization of our judicial system had become a question of commercial interest and importance. The Chambers of Commerce had become a power in the State and in Parliament. They were struggling to establish

tribunals of commerce. A committee of the House of Commons had reported in their favour, and proposed to connect them with the county courts of the district. The necessity for establishing tribunals of commerce could be met and avoided by a thorough reorganization of our judicial system in the interest of all classes of the community, and the elements of such a reorganization were to be found in the reports of the Judicature Commissioners, and required only able and willing hands and minds to mould them into form. This done, it may be hoped that the art of advocacy will be less in danger of degenerating into a trade, and be raised to the dignity of a science.

The Rev. DANIEL ACE, D.D., read a paper on the question, "Is not the Reform of the Ecclesiastical Courts in England and Wales a question requiring the immediate action of the Legislature, and admitting of no further delay?" He observed that for the last forty years public opinion, more or less enunciated by successive Governments, had clearly denounced the incompetency of these tribunals, and indicated the necessity of their abolition. Consequently, during this interim, the jurisdiction of these ecclesiastical courts had been ousted by statutable authority in all suits for tithes of a certain amount, likewise for church-rates; in matters of defamation, testamentary, and divorce and matrimonial. But, notwithstanding that ecclesiastical jurisdiction had been so rescinded, those courts still retained power in certain cases over both clergy and laity, and as a logical sequence, enlightened public opinion seemed to demand their total abolition, or at least a considerable amendment, both in the constitution and process of courts even denominated spiritual. By no less an authority than the late Lord Chancellor Cranworth, these ecclesiastical courts were, in the year 1856, characterized as cumbrous, dilatory, and expensive; and as to the ecclesiastical judges, in his lordship's opinion, nineteen out of twenty were incompetent to discharge their judicial duties. In the year 1855 the Archbishop of York, in the Convocation of the Province of York, observed that the delays, expenses, and the cumbrous procedure of the ecclesiastical courts, which had descended to us from past generations, should be swept away, in order that simple justice might be simply done, inasmuch as the present mode of proceedings in the ecclesiastical courts led to constant miscarriages of justice. Such avowed opinions, with others of equal stringency, had induced the House of Lords to entertain the question; a select committee investigated the matter and made their report. A Bill was introduced and passed through all its stages, but rejected in the Commons. No scheme of ecclesiastical reform could be complete unless it contained provisions to render archbishops and bishops themselves amenable to ecclesiastical discipline and jurisprudence as well as their inferior clergy. The procedure at present in the ecclesiastical courts was according to the rules of civil or Roman law, and also of the canon or so much of the Papal law as had been received in this country. But such rules were but *leges sub graviori lege*, the common law having obtained

the superintendency or supremacy over them. To revive those rules seemed to be a very eligible mode of adoption. Much of the old procedure and practice might be well abolished, and new rules and orders introduced and assimilated to those of the superior courts of common law. The *dicta* of ecclesiastical judges should be systematized into a digest by a commission of learned men, and what was desirable to be retained of that which was designated *lex non scripta* should be re-enacted. Let that shapeless congeries of Papal canon law received into this country from the time of the Conquest in 1066 down to the Reformation in 1534, having the force of statutable authority, be examined and reformed. That archbishops and bishops, in addition to their onerous duties, should aim at personal adjudication in their diocesan courts rather than by judges who had had a legal training was a matter calculated to excite apprehension, but in exact ratio as this disposition on the part of the episcopal bench had been manifested, there had been on the contrary exhibited on the part of the laity a tendency to eliminate altogether the judicial from the episcopal function. Cognate to the reform of the ecclesiastical courts, was the reform of the marriage laws, and one of the objects of reform in the ecclesiastical courts was the reduction of the excessive fees for a marriage licence, which fees simply went into the pockets of craving officials. Marriage should be encouraged by a national church, and not discouraged by exorbitant fees. He would reduce the marriage licence from 50*s.* to 10*s.*, and abolish with its invidious distinctions the office of surrogate. The writer next touched upon the question of simony, and remarked that these necessary ecclesiastical reforms would admit of no further delay without injustice to the nation.

A paper by Mr. Henry D. Jencken, Barrister-at-Law, "On the International Laws of Joint-Stock Companies, and the Necessity of establishing an International Code," was taken as read. After commenting upon the great importance of the question, the vast wealth invested in joint-stock ventures, and the endless variety of questions that arise almost daily in the dealings in shares and securities of foreign companies, Mr. Jencken proceeded to give a sketch of the historical rise, progress, and development of joint-stock enterprise, which he stated was essentially a creature of modern days, taking its origin in the mining ventures of Germany, and elaborated into a complete system by the Italians, and subsequently by the French, Dutch, and, at a much later period, by the Germans. Several very interesting cases in the early history of joint-stock companies were cited. Thus the celebrated case of the Grimaldis of Geneva, whom one Santus sued as partners in a company created to farm the revenues of the holy see, was named as illustrating the principle adopted by the Rota, or Appellate Court of Geneva. If regard be paid to the date, the time of the Pontificate of Paul VI. (1555), an idea can be formed how far advanced our continental neighbours were to us in our island. Nay, even a century and half farther back the Bancadi St. Georgio (1407), in Geneva, was established; and the

statutes then framed have served as a model for subsequent undertakings to the present day. In the seventeenth century there arose a feeling for increased enterprise; and, in 1628, Cardinal Richelieu authorized the Compagnie des Indes Occidentales. In Holland, the Surinam and other companies were formed; and in 1711, the South Sea Company stepped into existence. In its downfall it called forth such lamentations that the Legislature were betrayed into enacting the Bubble Act (1720), which pressed heavily for upwards of a century on the enterprise of England. Whilst on the Continent a liberal and scientific system had been realized, in England a narrow, short-sighted policy was pursued, and all joint-stock ventures treated as partnerships. Finally, in 1856, Parliament came to the aid of the commercial community, and in 1862 the Companies Act was passed. The consequence of this tardy legislation was a divergence from the principles that regulated the Continental system, and hence the necessity of arriving at some definite system to regulate the interests of companies and shareholders, and to determine their liabilities. And first, Mr. Jencken recommends an international register of companies; second, an international register of directors and managers; third, that one common rule as to the liabilities of shareholders should be adopted; and fourth, that the laws of agency or implied authority to deal in the name of the company should be settled by a convention between the different States of Europe. The question of transfer of shares also needs careful consideration, as also that of the liquidation of foreign companies.*

REPRESSION OF CRIME SECTION.

Address on Repression of Crime. By J. H. KENNAWAY, M.P., *Chairman of the Section.*

WE have now been engaged for two days in the discussion of special subjects that lie within the province allotted to us, and the time has now arrived when it has been suggested to me that as President it would be right to draw your attention for a few moments to the wider view which is embraced by the whole subject, and seek, however imperfectly, to grasp at once the principle and the practice of repression of crime. In beginning this attempt it is allowable, I think, to reflect with satisfaction, not, however, unmingled with shame, at the meaning which used in old days to attach to the words by which our section is distinguished. There were long

* This paper is printed in full in the *Law Magazine and Review* of December, 1872.

dark days when the repression of crime was held to be synonymous with taking vengence upon the offender, the exaction of an eye for an eye, and a tooth for a tooth. It meant looking upon the criminal as an outcast who had forfeited all rights, and in whose regard society was free from all responsibility. The prisoner was to be cast into loathsome dungeons, buried like one dead out of our sight; dungeons, at whose condition, when brought to the light by Howard, the whole world stood aghast. That such no longer exist is the result of the self-denying labours of individuals. It is the fruit of the discussions of associations like our own, which have sought to enlist public interest, ay, the self-interest of the public, for it comes to that, in the prisoner's cause. From these labours we have seen the conviction growing that the interests of society may be regarded consistently with a discipline which aims at the reformation of the individual who has outraged society. It is a very difficult problem. It has called forth the energies of the most able, and at the same time most practical, men. The question is not solved yet; but we may be hopeful that as medical science is engaged in improving the conditions of life, so as to strengthen the body and render it less liable to the attacks of disease, and at the same time is making daily progress in the knowledge and treatment of the ills which flesh is heir to, in like manner the science of penal and reformatory discipline is ever making advances in the treatment of moral disease; while the State seeks by means of education, of public health, by the establishment of reformatories: in short, by legislation in social subjects, to cut off the sources of crime, and by prevention to avoid the difficulties of a cure.

The International Congress lately held in London must be pronounced a great landmark in prison history. We have had Social Science Congresses, National and State Congresses in America—we have had visits of individuals; but nothing approaching this attempt to take a view of prison discipline wide as the world; to bring together and compare various systems through the living agency of men who administer the systems, so that, making allowances for the various circumstances of each, all might learn something from this true spectacle of international comity. Those who originated, and those who carried out the congress, may claim for it an undoubted success, if it only be that the representatives of no less than twenty-three nations, including natives of far east Japan, have met together in pursuit of one common object of the highest philanthropy, in spite of all obstacles of time and space, in spite of the difficulties of a Babel of tongues. But results will be produced, real, if not tangible. It is impossible to bring men together, each having made this particular subject his study, each with special knowledge, without minds being opened, new ideas taken in, and fresh encouragement given to sincere but often disheartening attempts to grapple with the problems we are all attempting to solve. Beyond all doubt also the various accounts of different prison systems prevailing in different countries, prepared under the sanction of the Governments

which were represented, and which will form part of the literature of the congress shortly to be published, must be a valuable store-house of information for all. The world, however, looks for results that are practical. It is at least expected that certain principles should be laid down by such gatherings. An attempt was made to do this in general meetings of the International Congress, but the elements of which it was composed were too heterogeneous, the points of contact too few, and the time too short to permit of this being done. The Executive Committee, however, passed certain resolutions, which I will not detain you by reading, but which, I think, I shall not unfairly summarize thus :—"That the moral regeneration of prisoners must be the first aim of prison discipline; we must educate him, but inflict no unnecessary humiliation. We must try and gain his will; impel him to self-exertion; teach him to work; let him improve his condition by classification; bring the influence of religion to bear, and you have done all; in short, send him to school, put him under constraint as a child." I do not think the use of the birch rod was sanctioned. But to put this as the whole seems to me a strange oversight. It leaves nothing to be desired as to the treatment of the individual, but it ignores altogether the effect on the community, and is hardly to be called repression of crime. Granted that every aid should be given to the criminal to retrace his steps, still, the gulf must be kept open between honesty and dishonesty. What influence will the moral regeneration of the individual have upon seventy per cent. of the criminals who, I fear, escape detection? What upon the thousands who are hovering on the borders of crime, men trying to be honest, but sorely tempted when the struggle for a bit of bread is so severe, and the weakest go to the wall, to think that the gaol is a busy workshop of happy industry, to which a man may ply without disgrace when wearied of the battle of life outside? I fully agree with the resolutions from one point of view, the one which presents itself to philanthropists, but a statesman cannot ignore the wide influence of the deterrent element, and he must so order his discipline as to maintain a broad line of demarcation between misfortune and crime. The statistics of crime show a favourable diminution, whether we look at those sentenced to penal servitude, to the reports of the police, the commitment of children under sixteen, or to the statistics of the Western Circuit, where there were only 106 prisoners in the calendars as against 304 at the same time last year. We must not, however, build too much on their favourable indications; we must not assume too much from the conditions of a time of certainly exceptional (though who shall say it is to be a lasting) prosperity. The work may cease, our looms and furnaces stand idle, and coal and provisions may rise to still higher prices; and who will foresee in that case what next year's returns or those of the year after will be? Still, looking at the results and remembering the great increase in our population, we may say that our system, if far from perfect, cannot in any way be considered a failure, either as to our convict prisons or as to the common gaols.

I accompanied myself a large number of foreign delegates on a visit to the convict establishment at Chatham, and their verdict from all observations I heard was decidedly favourable. There are amongst ourselves, no doubt, those who would desire to see adopted the cellular system as it exists in Belgium; but calling to mind that with us the prisoner passes through three stages—of solitary confinement, of employment on public works, and of supervision under ticket of leave—until the results of the system are shown to be unsatisfactory, or until, which may be the case, we are driven to make a change by the difficulty of finding public works of a nature suitable, it is not likely that we shall abandon our present system. Still, the question of employment is one that will have to be faced before long. We witnessed the other day the completion of the Portland Breakwater; the docks at Chatham will be approaching completion in the course of a few years. There are advocates for other harbours and fortifications, but I trust we may see their competing claims referred to the investigations of a royal commission, by which means alone I think a decision satisfactory to the country would be arrived at.

The employment of the prisoners in our common gaols presents still greater difficulties, mainly from the fact that the terms of detention are so short, averaging about fourteen days in duration. The consequence of this has been that up to a very recent period, with very few exceptions, industrial labour has been but little encouraged, and the treadwheel, shot drill, and the crank, or stone breaking, have almost exclusively been made the means of enforcing the hard labour which is laid down by the sentence. Public opinion has, however, of late protested against this indiscriminate use of the treadwheel, and has loudly cried out that the rogue must not be maintained at the cost of the honest ratepayers; that he must by his labour contribute to his own support. It is also perceived that the treadwheel is a very unjust punishment, pressing very unfairly upon those accustomed to sedentary occupation, while it loses all terror in the eyes of the criminal, who prefers it often to solitary labour in his cell, having learnt, by long experience, how to shift the burden on the shoulders of his neighbours. Moreover, this habit of shirking becomes so ingrained, he learns his lesson so well, that when he goes to employment outside on the conclusion of his sentence, I am assured by a manufacturer, who has had experience of such cases, he cannot be intrusted to do the work which he seems to be carrying out. And yet I am not disposed to attach a slight importance to the deterrent influence conveyed by the sight of prisoners engaged in unproductive labour, to the people outside, to the thousands who visit the gaols as spectators, and on whose minds a most salutary impression is made; but the greatest care must be taken to prevent the abuse of it. Let it be inflicted only upon those to whom it is a real punishment. Let even those have all an opportunity to work themselves off the wheel by extra industry out of working hours. But let it never be inflicted throughout the whole term of any man's imprisonment, unless as an exceptional punishment.

I may perhaps be permitted to remind the section that the county and borough prisons in England and Wales are regulated by the Prisons Act of 1865, which was enacted for the purpose of producing uniformity of system without sacrificing the independent action and the beneficial supervision of the local authority. Unfortunately, however, we have no means of knowing how far the Act is intelligently carried out. We know the average cost of each gaol; but why one should cost two or three hundred per cent. more than another we have no means of judging. We are not even told in which gaols classification is carefully carried out; where the mark system is adopted; how the produce of the prisoners' labour is disposed of. We find most unfortunately none of these things in the annual reports of the overworked inspectors. But you will agree with me that it is to the inspectors' returns that we ought to look. For as there is no central prison authority, they should point out in each case the method of conducting each gaol, whether good or bad, intelligent or the reverse, and the publicity would stimulate in a manner which nothing else can do, while the visiting justices would profit by the experience attained in other places and act accordingly. There is no excuse for this deficiency; it is in the power of the Home Office, under an Act of Geo. IV., to appoint five inspectors; and as it is very clear the work cannot be done by two, we should not be satisfied until we have made an end of such a piece of miserably false economy. We are imposing a difficult and an unexpected task upon our prison governors. We ask them to embark upon the unwonted trade of a merchant; to try a new material; to dispose of the manufactured article. While this is the case I cannot think the results can be satisfactory. We have now as a consequence the large proportion of mat-making carried on, and the consequent outcry from honest traders outside, who find themselves exposed to undue competition. I feel sure that Captain Du Cane has arrived at the right conclusion that work required by the Government should be preferred to any other; and as there is plenty of work to be done for Government for which people have to pay, I think we have a right to demand that the Government should go to the prisons as far as possible for the work they want done. When we think of the clothing required for the army and navy alone, there would be enough ten times over to provide profitable occupation for all whom it is desirable in our prisons. In the Pimlico Government clothing establishment alone, no less than 53,747*l.* is paid annually for wages for tailoring. Surely one-half of this might be carried on in prisons under proper management. I have already expressed the hope that the disposition of convict labour will be referred to a royal commission, and a branch of their inquiry might with advantage be directed to the investigation of the practicability of the suggestion I have made.

The only remaining subjects upon which I shall touch in the briefest manner are those which have been brought under the notice of Parliament during the past session, and which fall within the pro-

vince of the section. The first is one respecting which views differing most widely are held by members of this Association—I refer to the greatest of all crimes, those, namely, which touch the sacredness of human life. I will only say on this subject I believe that, in rejecting Mr. Gilpin's motion for the abolition of capital punishment, the House of Commons duly reflected the public opinion of the country. The second was the transfer proposed by Sir C. Adderly of the control of certificated schools from the Home Department to that of the Privy Council. The greatest alarm was hereby excited among the managers of these institutions. They have prospered under the Home Office, which indeed may be regarded as the national guardian of children who are detained under a magistrate's order, and on whom or on their parents the penal stain must for a time rest. The project found little favour with the House of Commons, and while treated with the deference due to one who has done so much in the establishment of reformatories, it was conclusively shown that we are not at present at any rate prepared for such a step. The Public Prosecutor Bill made some progress; but ultimately, owing to pressure of time, it was abandoned, Mr. Bruce undertaking, on the part of the Government, to take up the matter next year. We shall wait with interest the shape which the Government proposals will take. I will not further detain you, but will conclude with the expression of a hope that the proceedings of this section may not prove to be without results. We pretend to make no great discovery, to prescribe no infallible remedy; but we are anxious to keep the subject on which we are engaged before the mind of the public, and to prepare the way for intelligent legislation as it may be shown to be necessary. We desire to guard against the notion that everything here is perfect; but to strive heartily in conjunction, and cooperate to arrive at the attainment of a more excellent way.

CUMULATIVE PUNISHMENT.

Is it desirable to adopt the Principle of Cumulative Punishment? *By* T. B. L. BAKER.

THE system of apportioning punishment to crime rather by the antecedents and the number of repetitions, than by the heinousness of the crime as judged by itself, has for many years been steadily increasing in practice. Even before the 24 & 25 Vict., an increased punishment for second offences was permitted, but was more distinctly recognised by the Act of that year. Most judges and chairmen of quarter sessions have acted generally, though irregularly, on the same system. In Shropshire and Surrey it has not been indeed publicly proclaimed as a principle, but has been fully acted on for many years. In Gloucestershire and in Liverpool the

system has been publicly recommended by the quarter sessions for adoption by the magistrates. In Manchester the same subject is now under consideration; and probably other towns and counties will ere long move in the same direction.

But though the law has given us all the power that is requisite to carry out cumulative sentences, in cases of felony or simple stealing, there is another class of offences punishable at petty sessions, in some of which the court has slight powers, and in others no powers at all, of accumulation. Speaking roughly, we may say that those connected with—1st, ale or beer-houses; 2nd, stealing animals, growing trees or shrubs; 3rd, malicious injury to property; 4th, idle and disorderly persons, &c., allow of a certain degree of accumulation, though scarcely sufficient to prevent a determined habit of setting the law at defiance; while 5th, assaults; 6th, offences against the game laws; and 7th, the being found drunk and disorderly, allow of no cumulative punishment at all; and the tenth or one hundredth offence can be punished with no more severity than the first. This is a failure of justice, which has often been rightly deplored by the press, and by all who take an interest in the prevention of crime.

It is quite true that the offence of being drunk and disorderly is in itself a small thing, but a continued habit of so offending, in spite of all warning—the setting the law at defiance, and exposing its weakness to prevent a wrong—inflicts a far deeper injury on society than the simple offence by itself. The object of all who think seriously on the subject is not to punish crime, but to prevent it. The permitting any person to go on in an unchecked course of wrong, if they have merely resolution to bear the pain without flinching, cannot but incite others to commence a similar course, and show them that the law is weak if they have courage to resist it. But this is not the only class of offences in which harm is done. If it be found that prison can be braved time after time with impunity, the whole prestige of the prison is lowered as regards felony, as well as the minor offences. Who can be afraid of prison, knowing that in the next street lives one who has braved it more than a hundred times with impunity?

The magistrates of Liverpool have felt this strongly, and have passed resolutions in favour of cumulative sentences, with a view, as they state, to the following results:—

"1*st*.—That the short sentences passed on young offenders would become much more deterrent, because they would be known to lead up to the really long sentences, which are unquestionably much feared by nearly all the criminal classes.

"2*ndly*.—That under the influence of long detentions when they became necessary (particularly if part of the time were passed in well-regulated homes), a certain proportion of the offenders would be reformed.

"3*rdly*.—That the residuum of reckless incorrigibles would be detained in prison under a succession of long sentences instead of

under a succession of short sentences; this class would therefore, under the amended law, have fewer opportunities of committing crimes, and training up others in bad ways, while the expense of their detention would not be materially if at all increased, *as the labour of long-time prisoners can be made profitable to an extent quite impossible in the cases of short-time prisoners.*"

To this end they have memorialized the Home Secretary that—

"In the first place, they consider it desirable to obtain such an amendment as would enable the justices in petty sessions to send an offender for trial to quarter sessions, for any offence other than simple drunkenness or some very trivial offence, provided that he or she had been guilty of a certain number of offences, and spent a certain aggregate time in prison for them, both these limitations to be strictly defined by the law. The quarter sessions to have power to sentence such offenders to a borough or county prison for any period not exceeding four years. It will at once be seen that the limitations above-named might be so defined that the extended powers of punishment suggested should not come into force, except in reference to the cases of offenders who had been guilty of not only many previous offences, but of *several of an aggravated kind.* For instance, the conditions might be laid down that no offenders should be liable to punishment under the extended cumulative powers now proposed who had not been already fifteen times, and for an aggregate period of not less than three years, in prison. Such a change in the law would only extend the application of principles recognised so long ago as 1824 in the Vagrant Act, and probably this Act might most conveniently be amended and its title enlarged, so as to secure all that is desired."

Also, "That it is desirable that the visiting justices of each prison, with the consent of the Home Secretary, should have power to transfer any prisoners who had undergone twelve months' detention, and two-thirds the time of their full sentence in a borough or county prison, to any home willing to receive the prisoners, and which might be under the management of a certified Discharged Prisoners' Aid Society, and subject to Government inspection." *

I would earnestly hope that the Council of the Social Science Association may be induced to take into serious consideration the question of supporting the prayer of the Liverpool magistrates. Whether we agree precisely in all the details is another question. Probably hardly any two men will be found to agree exactly in the details of any measure; but as to the broad principle that persons shall not be allowed to continue in an unchecked habit of setting any law at defiance, and thereby encouraging and strengthening others to follow their example, I think that few, if any, can doubt the wisdom, or I might almost say, the necessity, of such a course.

* I learn that the Committee on Vagrancy and Mendicity, appointed under the auspices of the Charity Organization Society, has agreed to a resolution, that in all cases of a third conviction for vagrancy, a sentence of one year's imprisonment should, as a general rule, be inflicted.

For some ten years I have been engaged in pressing the question of cumulative sentences; and if I have hitherto written only on applying that system to cases of felony, it was only because the law as it stood gave in these cases sufficient cumulative power; and I would always prefer to correct our practice as far as feasible, before we ask for a change in the law. Still, I have always looked forward to such an eventual change as would allow the cumulative system to be carried out in minor offences.

I trust, therefore, that if I suggest a different mode from that of the Liverpool magistrates, it will not be considered as any opposition to them, but merely as mentioning a different mode of action, to be accepted or rejected as may seem right.

I should propose, then, that when any one is found guilty by a court of petty sessions of any one of the above-named offences, and it be proved that he has been previously convicted and imprisoned within the last two years, the court be empowered to pass a sentence of double the previous imprisonment, except that where the last imprisonment shall have been for three months, or more, the petty sessions shall commit for trial at the quarter sessions.

I fear that the proposal of allowing a man to go on to a fifteenth imprisonment, under the present system, would be not sufficiently deterrent to those commencing a bad course, and they would seldom keep a sufficiently careful reckoning to know when the fifteenth time was coming. They would therefore receive a heavy punishment without recognising the fully deterrent warning. But our object in all things should be to give the largest possible amount of deterrence with the smallest possible amount of pain. A small amount of pain understood and expected with any degree of certainty, will deter far more than a greater pain less fully understood and reckoned on. Any man who had been convicted within two years of either a first or fifth offence, would remember perfectly how long he had been in prison; and there would be no hazy doubts in his mind as to what would be his fate if he were again caught. If he has once offended and received three days' imprisonment, he would look forwards with no pleasure to six days the next time. If he had offended five times, and received forty-eight days' imprisonment, he could not be ignorant that about three months would be his next sentence; and, if he persisted, six months, twelve months, and two years would follow in rapid succession. Jeremy Bentham wisely said, that our three means of preventing crime were deterrence, reformation, and physical incapacitation. These would be exactly carried out by the system I propose. The fear of a small punishment is generally sufficient to deter a beginner, especially if he has no examples before him of successful opposition to the law. If he repeats his offence as he becomes more hardened, the deterrence increases till he comes to a length of sentence which may give fair hope of reformation. Even if this fail, he will at least be incapacitated from setting a most pernicious example of successful resistance to the law.

With regard to the question of homes, as recommended by the

Liverpool magistrates, I think there would be little difficulty. A small and simple establishment, exactly on the plan of our reformatories, if accepted as a prison by the Home Office, might be used, without any powers beyond those now in force; and the Secretary of State might remove to it any prisoner from any prison, and might remove him back to the prison if he were found refractory. The addition of power to grant, in many cases, early remission on licence under our recent but most valuable powers of police supervision, would render such a measure as complete as we could at present hope for. Such powers have now borne the test of long practice in the case of reformatories; and though it may be objected, that in these cases we shall deal with adults, instead of juveniles, it must be remembered that they will not be hardened burglars, but mere children, of an older age, but quite as weak, and requiring as much care to secure them against their own frailties, as any reformatory boys. To keep such men or women for four or eight years would be cumbrous. But if they could be kept for a time till they acquired tolerably steady habits of work, and then discharged under licence, they would feel just that steady check upon them which their weakness requires.

Still, as I before said, these are methods of detail on which, though I might venture a suggestion, I should readily yield to the opinion of those who may direct the movement, if only we can obtain the broad principle asked by the Liverpool magistrates—of power to use cumulative sentences for all descriptions of crime.

DISCUSSION.

Miss Carpenter (Bristol) said: We had to consider what was the principle on which we were working when we inflicted punishment; whether it was the vindictive principle of giving so much punishment for so much crime, or whether their general object was to combine together what she believed might always be combined together, viz., the reformation of the offender and the diminution of crime in society. When speaking of the treatment of crime as a society, it was perhaps better to take the political economy point of view or moral point of view, particularly because she was perfectly certain from the investigations and observations she had made, we should find that the truly Christian, the truly moral, and the sound politico-economic view would coincide. Therefore, when she did not urge the Christian or the moral point of view, she wished it to be clearly understood that it was not because she ignored them, but because it was the safest way to treat the subject from the other point of view. She thought all would accept the position that the vindictive principle must now be laid aside. We must, therefore, consider the reformation of the offender, or, she would say, the benefit of society, because all could understand that if the offender was reformed it was for the benefit of society. Such a course we might be sure would not offer a premium to crime, for a criminal could not be reformed without going through considerable suffering of one kind or another. She held that the cumulative principle was a most important principle, which we ought to endeavour to bring before the Legislature as far as necessary; and here she agreed most strongly with the Attorney-General, in his address, that it was better not to attempt to make new laws, if by altering the existing laws we should be able to attain our object. The present law, as Mr. Baker had said, recognised to a certain extent the principle of cumulative punishment, in case of great crimes, but she wished now

to speak of minor offences. The report of the Liverpool magistrates had been referred to. This was the first time she had known such a doctrine as that embodied in that report to be laid down by magistrates; and this circumstance she regarded as most important. If an offender accidentally sinned, we were obliged to take notice of it, and punish him as a testimony of the evil of crime, and also for the purpose of checking it in the future. There might be no really bad intention in him. If he repeated the offence, it was to be presumed that the punishment he had received had not been sufficient to lead him to see that society could not tolerate his conduct, and consequently he should be punished more severely. If after that he went on in his wicked course, it was to be presumed that he had a bad intention in his mind; that he did not desire to avoid sin; and that he was distinctly a dangerous character; and accordingly it would be necessary to put him in such a position as would give a reasonable hope that, if it was impossible to remove his bad intention, such a curb would be put upon him as to induce him to resist his evil propensities. People brought constantly before the magistrates for petty offences were sources of great trouble and annoyance. She did not, however, include drunkenness and disorderly conduct whilst in a state of inebriation amongst petty offences, for society was often much injured by drunken persons. At Bristol there was an old woman who had been convicted at least a hundred times for drunkenness. Why was such a woman allowed to go at large in order to inconvenience and spread an evil influence in society? While she hoped that a good woman might do a great deal of good, she was exceedingly sorry to confess that a bad woman did infinitely more harm than any bad man in society. Leniency in cases such as that she had mentioned was a mistake; on the contrary, she would treat them with greater severity. Such people, she held, ought to be subjected to police supervision.

Colonel RATCLIFF (Birmingham) could not find that the magistrates showed any disposition to exercise a vindictive feeling in the administration of the law; on the contrary, their object was the reformation of the offender. Miss Carpenter had spoken of people repeatedly convicted of drunkenness, but what could be done with them? If they were to be removed entirely from society, there would be raised a great cry as to the liberty of the subject. Mr. Baker had referred to the influence of long detentions. In the case of vagrants the law had been altered, so that for tearing their clothes or other disorderly conduct they might be sentenced to one month's and two months' imprisonment, whereas formerly fourteen days was the utmost extent of the punishment that could be inflicted. But coercion must not be carried too far. Sympathy must be mingled with the sentence. Could we, because a man had committed an offence two or three times, imprison him for a period so long that his home would in his absence be entirely broken up? More dependence must be placed on prisoners' aid societies, which had hitherto worked remarkably well. The sympathy extended to discharged prisoners, and the efforts made by such societies to obtain work for them, had led the majority of them to pursue an entirely new course of life.

Sir CHARLES B. SAWLE, Bart., observed that short sentences seemed to have no deterrent effect on a certain class of offenders. They got perfectly hardened to gaol life. The principle of cumulative punishment had been introduced into the criminal code of this country, a notable instance being the provisions respecting drunkenness in the Licensing Act. The Prevention of Crimes Act gave the magistrates power to sentence persons convicted of assaults upon the police to six months' imprisonment; and if the offence were repeated within twelve months, the magistrates could inflict as severe a punishment as nine months' imprisonment. He agreed with Mr. Baker that a person who had been five or six times committed to gaol required something more than mere prison life to correct him; and what he needed was either police supervision or the care and attention of prisoners' aid society, which would be far better. The principle of police supervision had never yet been applied to offences summarily dealt with at petty sessions. He knew one case in his own county in which a man who, having been constantly apprehended for committing breaches of the peace and other offences, was called upon to find bail for twelve months; and, as he was unable to procure it, he was sent to prison for that term. Immediately there was a great outcry against this decision of the magistrates, and the matter was brought before one of

the judges of assize, when his lordship censured the conduct of the justices. A memorial, he believed, was forwarded to the Secretary of State, who was asked whether the magistrates in question were fit any longer to hold the commission of the peace. After this the magistrates naturally hesitated before passing similar sentences. The principle of punishment must not be carried to extremes. Something more than mere prison life was required to relieve the country of smaller crimes. The Crimes Prevention Act and other measures passed by the Legislature had done much to diminish serious crimes. In Cornwall, considerable diminution of crime had taken place, and this gratifying state of things he attributed very much to the mode in which the graver class of criminals were now dealt with. Something ought now to be done to relieve the country of the smaller crimes; and he was of opinion that supervision, either of the police or of the Prisoners' Aid Society, following imprisonment in such cases, would have a salutary effect.

Mr. A. Herbert Safford (London) remarked that the subject before the section was one of great importance, and also of extreme difficulty. He was aware that directly a magistrate, or an officer of the judicial establishment of the country, attempted to do his duty, in a strict and conscientious manner, with an idea that by reasonable and proper severity he might deter people from committing crime, a cheap humanitarianism was displayed, in which great compassion was shown to the "victims of an unpaid magistracy." Although in the metropolis the magistrates were men of high position and great ability; yet if the cases in the metropolitan courts were reported as fully as those in the country were reported, a still larger field would be supplied for the cheap sentimentalism to which he had referred. A certain district in London had become notorious for violence, and to such an extent was it carried, that witnesses could with difficulty be brought from that district to the court. One woman, who gave her evidence with great reluctance, having been almost forced into the court, was subsequently attacked. Her assailants were captured and convicted; when the judge, in order to put down the system of intimidation which had sprung up, as well as to punish the women who were guilty of such a ferocious outrage, sentenced them to penal servitude for life. Even that example was not sufficient to put an end to the threatening of witnesses in that locality; and to do this required a series of offenders to be sentenced to imprisonment for twelve months. He was quite certain that cumulative punishment was necessary; and he also felt very strongly with the Liverpool magistrates in their recommendation for a home. The only chance of doing any good with the criminal classes was to be found in their reformation. He was happy to see an improvement in the metropolitan police returns. He found that whereas in 1865 there were eighty-one persons of from ten to fifteen years of age twice convicted of felony, in the year 1871 there were only forty-nine. There had been a gradual decrease of such offenders, and this he attributed to the action of reformatories. With regard to police supervision, he thought the object contemplated by it could be better effected by holding offenders to bail. In the metropolis, where 70,000 persons were taken into custody in the course of one year, there would be considerable difficulty in maintaining adequate police supervision; and he was strongly of opinion that nothing of this kind should be done unless it could be done thoroughly. The principle of holding to bail was better than that of police supervision, because by holding to bail some one was procured who took an interest in the prisoner; something more than a mere pecuniary interset, or he would not have come forward to bail his friend. He had sometimes found that parents got people to give their children into custody, and kept out of the way themselves, in order that the children might be sent to an industrial school. If the father was found, and summoned to give evidence, he would have little to say beyond that his lad was troublesome. But he found his mistake when he was told that his boy would not be sent to an industrial school, but that he would be held to bail for the good behaviour of the boy. If magistrates had the power of holding to bail on all second convictions, besides the original punishment, much good might be in that way effected. As to drunkenness, he did not believe it would be repressed simply by coercive measures.

Mr. Baker, in reply, said, what was wanted was to prevent crime for the future; to save these criminals from themselves; to help them to struggle out of their criminal courses. Many were anxious to abandon their wicked ways, but to

do so they required help. Amongst the aids useful to them was the greatly increasing strength which the fear of punishment would give them to enable them to struggle upwards by themselves. If they would not so struggle by themselves, it was infinitely better to give them the pain and discomfort of a long detention, as being very much less pain and discomfort to them than what they would endure if allowed to go on in their evil courses. An instance had been mentioned in which twelve months' imprisonment had been awarded owing to the prisoner being unable to procure bail, upon which a great outcry was raised. He had what was generally thought to be a very doubtful advantage—that of considerable age; and he confessed that he had got past caring very much for any sudden cry that was raised by people who had not fully looked into the matter. Still, in such a case as that he alluded to, he objected to a magistrate, or a couple of magistrates, in petty sessions giving very long sentences; and therefore, when he sent his scheme to the Home Office some time ago, he carefully stated that after a certain number of short sentences, and the last was three months, the offender should be committed to the quarter sessions. He reminded Mr. Safford that in London the population was smaller to each policeman than in the country. He could not see why a London policeman should not be able to do quite as much in the way of supervision as a policeman in the country.

The CHAIRMAN (Mr. Kennaway, M.P.) thought the general opinion of the section was, that short sentences for minor offences had not the deterrent effect which they ought to have. The Legislature had already adopted cumulative penalties for graver crimes as well as for minor offences, such as those described in the Licensing Act. It now became a question whether the law should lay down a graduated scale of cumulative penalties. It might be said that the magistrates had this already in their power, but he thought it had been clearly shown that they could not exercise that power. The question, therefore, was whether they should be forced by law to inflict a heavy penalty for a second, third, or fourth offence. The matter required further ventilation in order that public opinion might be formed upon it.

INDUSTRIAL DAY SCHOOLS.*

Is it desirable that Industrial Day Schools should be established?

MISS CARPENTER read a paper on this question. She said, the school boards have zealously devoted themselves to their task. Able and intelligent men and women have given their unbought labour to the work with a zeal which has in some cases overtasked their strength. Agents have been employed to search out the miserable haunts of vice and misery, and to endeavour to rescue the children. The first conception of the London School Board as to the means of grappling with the worst cases which could not be dealt with in ordinary day schools, of whom numbers were at once discovered, was to send them to certified industrial schools, and inquiries were made as to the number of such institutions which would receive them. Reluctance was manifested by the Home Office to increase considerably the accommodation for such cases, and very justly; these schools were not intended to supply the previous neglect of the education department by taxing the public to give maintenance in expensive boarding schools to neglected children.

* See *Transactions*, 1871, p. 335.

The Board then made a grant of 2400*l.* to enable some certified industrial schools to obtain increased accommodation for 250 more boys; for each of these an allowance of 2*s.* weekly is made by the board to the managers of the schools, and 4*s.* weekly for children under ten years of age, to supplement the Treasury grants of 5*s.* and 3*s.* Systematic efforts in the districts where the board officers are at work has been, it is stated, very satisfactory—in Billingsgate and Spitalfields markets, where whole gangs of boys were living dishonestly. These properly came under the Industrial Schools Act, and probably no other agency can reach them. These are not, however, the simply neglected and destitute children of whom we are speaking, and who infest many parts of London. Many of these might be sent to school by the poor law guardians, under the provisions of Denison's Act, and they constitute a very large proportion of the neglected wanderers and street Arabs. The School Board has ascertained, however, that out of 40,000 children who might be sent to school by the guardians, not 4000 attend any school at all. "In many instances," it is added, "children are found wandering, who are shamefully neglected by parents who will not enter the workhouse; these the School Board are unable to help without interfering with a department of poor relief which must be left to the guardians." This fact is an important one.

In Manchester, Liverpool, Leeds and Bristol, probably more or less in all large, crowded cities where the school boards have made efforts to grapple with the existing evil, no satisfactory solution of the difficulty has yet been arrived at. Public benevolence has already been largely taxed for this portion of the community, and an unwillingness is evinced to continue such aid now that educational rates have to be paid, and school boards are appointed to administer them. If more schools are required, it is said, let the board establish them. Large feeding schools exist in each of these cities for the reception of destitute children, and a great dread is entertained that by adding to such agencies, careless and neglectful parents will be encouraged in their dissolute habits by being relieved of the check given by both nature and the law of the land, which requires them to maintain their children. And yet the children must be saved. Something must be done without delay. Mere palliations must no longer be tolerated; whatever we do must be founded on sound and well-considered principles.

Before endeavouring to ascertain what these are, Miss Carpenter said it would be desirable to observe the effect of the operation of the School Board in Bristol during the last year, and the experiment which has been made to touch the children of whom we were speaking. In that city, as elsewhere, an excellent representative body of citizens has formed the board, who have devoted themselves zealously to their work. Four agents have been appointed by the board to visit the several districts of the city, and urge attendance at school, summoning the parents if they refuse to comply with the injunction to send their children to school. The School Board ap-

pointed from its members local committees, to consider the cases of those parents who were unable to pay, and to give the school fee for their children. There appeared, therefore, no longer any need of ragged schools to give gratuitous education, and the ragged school which for a quarter of a century had been devoted to the elevation of the very lowest of the population, was to be closed as a school simply for the free education of the poor. A visitation of all the families of the attendants at the school was made by the children's agent, when it was discovered that the parents of 220 of the children out of 270 on the books of the ragged school were quite capable of paying school fees, and they were accordingly drafted off. Only fifteen remained on the first morning of the new year, wild and irregular; these we proposed to deal with on a new principle. We had already proved that simple education produced no effect on such children. They require to learn civilized habits, obedience and order, before education can produce any effect on them. We decided therefore on retaining through the day, under proper supervision, these wild Arabs of the streets, and therefore necessarily feeding them, to such extent only as seemed absolutely necessary. The numbers in attendance at once increased, and soon there was an average attendance of forty-five out of fifty-two on the books; but of these seventeen were soon drafted to other schools as being able to pay. Not one of these children was qualified by the number of days' attendance for an examination by the inspector of the Committee of Council on Education, nor indeed could more than a very few have reached the lowest standard. This school has therefore been debarred from any aid from the Committee of Council on Education this year, though making more educational effort and incurring more expense in proportion to its numbers, than other schools. Ignorance and vice are costly. Why should the Educational Council refuse to help to remove them? In a few weeks the regular and steady attendance of the children produced a striking change in them; they were glad to come under the school influences, and were more happy under kind surveillance in a pleasant playground, than in the streets: the simple meals which were regularly supplied to them brought them into a better physical condition, and the smocks and pinafores which were lent to the children during the time they were at school gave them a feeling of self-respect. The experiment of these eight months proved that the very wildest may be brought under steady discipline by such a system; for in this school there have been the very lowest that could be found, in so miserable a condition that they cannot be admitted into ordinary schools, and also many who had always been leading a wild life in the streets. The same experiment was tried a quarter of a century ago by Sheriff Watson in Aberdeen, and Dr. Guthrie in Edinburgh, and with entire success.

The great difficulty, however, still is and always will be, how to discriminate which children ought to attend such a school, rather than an ordinary one. It was at first resolved by the managers of

this day industrial school to limit it to such children as the local committee of the School Board considered unable to pay school fees, and for whom they would therefore pay. On this principle, however, we found that some of the most distressing cases of neglect must be rejected, because the father was in receipt of sufficient wages to pay for them. But yet the children were in the streets, and the board could recognise no criterion but absolute want. Among those 220 children who were ordered to go to pay schools, their parents being in a position to pay for them, many were soon found in the streets in as low and disorderly a condition as before. An ordinary day school is not sufficient for these children, nor are they willingly received there. The recent report of the Committee of Council on Education states that last year the school accommodation existing in the country was not more than half enough to meet the wants of the four millions of the children who ought to be in school. If, however, there were ordinary school accommodation for every one, this would not meet the cases of these children who, if they are not attending the day industrial schools, must be in the streets. Why are these not considered? We have before us in day industrial schools a plan which has been proved to be the only one adapted to this neglected class of children, who so greatly perplex the operations of school boards. They entirely annihilated juvenile vagrancy in Aberdeen a quarter of a century ago, even when there were no certified industrial schools to take the worst cases. The experiment has succeeded satisfactorily among the hitherto wild and neglected children of Bristol, as far as it has been tried. The only serious objections to the plan are the relief it would give to dissolute parents; to neglectful guardians of the poor, who are letting 36,000 children, we are told, run wild in the streets; and the additional expense to the ratepayers.

The following addition to the Education Act would meet all these difficulties.

1st. Power to school boards to certify feeding day industrial schools, as fit and proper for the children who cannot be induced to attend with sufficient regularity the ordinary schools, and with power to compel such children to attend these. These schools may either be managed by the board or left under voluntary management, as the schools certified by the Secretary of State.

2nd. In addition to the ordinary school expenses, power to the board to pay 1*s.* per head weekly (or 1*s.* 6*d.*) for food for children ordered to attend by the board.

3rd. Power to the school board to recover from parents the whole or part of the money so paid, and from the guardians the whole paid for maintenance and schooling, if the child is chargeable on the parish.

The children would thus have every opportunity of receiving a good and useful education; the parents would not be relieved from their responsibility, and the parish guardians would simply have to pay the allowance which is now given to improvident and careless

parents to the school board for the benefit of the child. The remainder of the payments which cannot be recovered will probably be no greater a burden to the ratepayers than now exists. In the case of payments to certified industrial schools, in addition to the Treasury allowance 1*s.* per week is the ordinary allowance for each child. Let this instead be devoted to saving children from being brought before the magistrate, and the State from the expense of 13*l.* per annum for each child. The children are not criminal and not really eligible for reformatories, nor ought so great an expense to be laid on the country; they are not paupers; and if they were simply destitute, they ought not to be branded with a workhouse stamp from childhood, by being educated in a pauper atmosphere. Voluntary benevolence cannot undertake the burden; it has done what it can for a quarter of a century, and has not succeeded in cutting off the supply of these thousands and tens of thousands of uncivilized children. Moreover, funds cannot be obtained from the public for the purpose, as they already have to make their contributions in rates. The Committee of Council on Education, from which we have looked for help in vain for these last twenty years, will not assist in the education of these children, who will never be able to produce the "results" they require, nor could the Council supply the needed food. The work falls legitimately on the school board and the localities, and if they had the requisite power, they would gladly use it to carry out this work, to remove this long-standing evil, and prepare the children to be a better race of men and women for the next generation.

DISCUSSION.

Mr. T. B. L. Baker (Gloucester) said that for fifteen years there had been at Gloucester an industrial day feeding school. It was, however, conducted in a rough sort of way, and was capable of very great improvement. Some seventy or eighty children usually attended it; and of these about fifty, after working in school in the morning, were marched out to a garden comprising seven or eight acres, which they cultivated. The profits of this garden, after defraying all expenses, were sufficient, without any aid from the public, to give them a meal per day. This had always struck him as an excellent plan. It was not paying a careless boy; it was scarcely assisting a careless parent; it was only allowing children a fair opportunity of earning for themselves, by their own hard work, a meal in the day. The attendance was not as regular as it might be, and there was no wish to make it very regular. If a child could earn more on any day, he did not come to school; but he always knew there was a dinner for him if he liked to go and work for it. A little earnest hard work for children, from their earliest youth was, in his opinion, a valuable preparation for that which was afterwards to get them their living. He wished most heartily that in all schools where children had to be brought up to earn their living by the sweat of their brow, there might be introduced a method of regularly laying out their strength in the best way possible, while at the same time their minds were being instructed.

Colonel Ratcliff (Birmingham) observed that feeding schools attached to industrial employment were not a mere matter of theory, for they had been in successful operation for more than twenty-five years in Birmingham. During that time many thousands of children had passed through the schools trained to industrial habits, and they were children who, had it not been for these schools, would have been merely street Arabs, without any kind of education. Miss

Carpenter was perfectly right in saying that there was a class of children who could not be reached by the school board. Their parents were too poor to provide them with even decent clothing; and the authority of the magistrate as far as they were concerned was useless. He had had considerable experience of feeding schools. He had noticed the great desire of indigent parents, who could not even pay a penny per week for their children, to get them enrolled on the books; and he had also observed the improvement which the discipline of such schools had wrought in the children. Employers had told him that the boys they received from the industrial feeding schools had been admirably fitted, by their early training, to use their fingers for any employment which might be given them. It mattered little what children were taught at that early period of their life. The great object was to teach them to be industrious: and if the boys could only be induced to be regular in their attendance, a great ascendency was gained over them. In 1861 there was a conference on this subject, and a deputation waited upon the Secretary of State to ask his sanction to a grant in aid of feeding schools, but from that day to this not a farthing had been received from the Government. We must, therefore, look to the assistance of the benevolent and philanthropic for the purpose of establishing such schools where they were needed. Some time ago in Birmingham it was calculated that there were nearly 10,000 children who never entered a school, and that of these 800 or 900 were, owing to their destitution and want of suitable clothing, unfit to go to school. Then came a desire to found a society for the purpose of paying the school fees of such children. Such a society was established, and large numbers of children were brought into the schools of the town. The public feeling awakened in Birmingham on this subject at that time was, in a great measure, the cause of the passing of the Education Act. He had come to the conclusion that there was no means of approaching parents who were utterly reckless as to the education of their children, unless by the attraction of a feeding school: and when such a school was once established it would be found that the lowest class of parents became willing and even anxious to send their children to it.

Lady Bowring asked Miss Carpenter how she proposed to meet the difficulty to which she had referred, of inducing a steady attendance at feeding schools in large towns. To her, feeding schools appeared an excellent idea. If schools were to be under the jurisdiction of the school boards, she thought there ought to be a larger infusion of the female element into the boards. There were large numbers of educated women with time at their disposal, who would gladly devote that time to the education of the children of the poor. Those ladies, from their domestic training, would be better able to look to the industrial training of girls than men. She also asked, what was the nature of the industrial occupation that was to be given to boys? remarking that to them the ability to sew on buttons, and to do a little primary needlework, would be an advantage. Some knowledge of cooking ought also to be given to both sexes.

Miss Carpenter, in reply, stated than when Sheriff Watson, of Aberdeen, made his experiment, he gathered from the streets a number of vagrants. The first day there was a perfect riot in the school. Being a sheriff he was able to use a little more compulsion than other people were able to exercise. He said that although he might be accused of infringing the liberty of the subject, he did not think he could be accused of doing more than giving the boys a somewhat rough invitation to dinner. Addressing the children, he said: "Now, whether you come or not to-morrow, that is your concern. We invite you to come; we cannot compel you to do so. One thing, however, we can compel you to do; and that is, we can compel you not to be vagrants in the streets any more. We now give you notice, that if you do not come to the school, but roam like vagabonds in the streets, we will carry out the law, by compelling you to go somewhere else." There were known to be in the county of Aberdeen some 200 or 300 regular vagrants: but that action of Mr. Sheriff Watson practically put an end to them. Dr. Guthrie had similar experience in Edinburgh; the result being that the children came to the school. In Bristol, the experience had extended over eight months; but they were most trying months. As soon as the children were got under proper surveillance, it was found that forty-five out of fifty attended the school. In fact, a larger per centage attended it regularly than the per-centage attending an ordinary

elementary school. It was further generally discovered that the absentees were not away from any love of roving in the streets, or a dislike to come to school, but that it was owing to illness, or other cause of a like character. There was now the compulsory power of the school board in cases of great neglect; but without the exercise of this power, experience showed that the attendance would be pretty regular.

Mr. HERBERT SAFFORD felt very strongly in favour of Miss Carpenter's plan. It was an important fact which should always be remembered in discussing the subject of education and industrial training, that the great proportion of criminals were people of no education. In the metropolis, over 70,000 persons were annually taken into custody. Last year, those who could neither read nor write, or who could not write, but read imperfectly, were 69,000; leaving about 2300 who could read and write "well," and only 69 out of 71,900, whom the police described as having had superior education. It was necessary to observe here, that the ideas of the police of good education were extremely limited; and a fair amount of education was reckoned by them as rather superior education. When he visited the Brixton prison about three years ago, he learnt that there were only two out of 700 female prisoners who had received the education of ladies, or even a fair education. It might be said that the boys and girls of the lower classes did not value education; but the fact was, that the officers of the London School Board, as they walked through the streets, were besieged by boys and girls wanting to be taken into the industrial schools. He had frequently thought there was no necessity for employing sailors from all parts of the world in our navy, when there were plenty of English boys anxious to undergo the training which would make them able and skilful seamen. The great difficulty was, relieving parents of their proper responsibility towards their children; particularly when, as he held, too much was being done in these days for the working man. He agreed with Miss Carpenter that payment to the schools should be made by the guardians of the poor. Mr. Safford next adverted to the scarcity of good domestic servants; and urged that girls should be educated not only to be good servants, but also to be good wives for working men.

Mr. Serjeant Cox was not sure that he correctly understood Miss Carpenter; but the last speaker seemed to take a much wider view. He believed Miss Carpenter, when speaking of industrial schools, did not intend by that term places for the education of servants or artificers, but merely schools to supplement the school board schools, differing from them in this, that in the former she would feed as well as teach the children. School boards had now the power of paying the school fees of children whose parents were unable to do so; and although in many places there had been some difficulty in acting upon it, still in all probability a long time would not elapse before the power was universally exercised. But after the exercise of the power of compulsion, there would remain a residuum beyond the reach of the school board, and he took it that Miss Carpenter's scheme was to operate upon that residuum. This scheme, however, would offer to parents the temptation of devolving upon others that which it was their duty to do. Was it right, morally and socially, to offer temptations of this kind to parents? Should we not be holding out to parents the strongest possible inducement to neglect their duty, not only of providing their children with proper education, but also of feeding them? If so, more harm than good might be done by the scheme, although to the neglected children thus provided for great benefit would accrue.

Mr. C. R. FORD shared apprehensions similar to those of Mr. Serjeant Cox. Some time ago, the London School Board called a conference for the purpose of considering what should be done with neglected children. The gentlemen who took part in that conference were practical men of considerable experience in the conduct of reformatories, refuges, and ragged schools, including several Government inspectors. The result was the passing of a resolution to the effect that it would be unwise to establish day feeding schools in London, and that the bye-laws of the school board should be so administered as to compel either the parents or the guardians to educate their children. That resolution was adopted by the School Board, although he was bound to admit there was a strong minority against it. Since that time the subject had been much discussed, and it was still an open question. Mr. Safford had said that too much was being done for the working

man; and he would ask what protection there was against parents using these feeding schools too freely? There would be a great danger in allowing parents to entertain the idea that by neglecting their children, they would not only get them educated, but also in a measure fed and clothed at the expense of the public. Miss Carpenter proposed to take power to recover from the parents part of, or the whole, money expended upon their children similar to that in the Reformatory Schools Act; but under that Act, although most earnest endeavours were put forth to recover money from parents able to pay, in one year only 7000*l.* was recovered out of the 135,000*l.* which those schools cost. Then, supposing the parents were compelled to pay according to their means, would the exercise of that power prevent the school from rising up by degrees from the low class for which it was intended, to higher classes for which it was not intended? He feared not. School boards had not yet existed three years, their first term of childhood; and he suggested that it would be better to wait until the expiration of that term in order to have an opportunity of seeing how far the bye-laws of the various school boards would be enforced, and to what extent the children would be brought in without providing them with dinners before establishing feeding schools.

Mr. Whitwill (Bristol), said that as the vice-chairman of the School Board at Bristol, to which reference had been made by Miss Carpenter, he might be allowed to say how earnestly the Board hoped the Legislature would take the earliest opportunity of so amending the Education Act as to make it provide for the establishment of such schools. He agreed with both Mr. Serjeant Cox and Mr. Ford. Nevertheless, we had to deal with lamentable facts. There were hundreds of children in Bristol, and other large places, running about the streets nearly naked and insufficiently fed, and they would not, owing to their neglected condition, be received into the existing schools. Even if they were admitted, they would be physically incapable of receiving instruction. He did not know what was to become of such children, unless some such system as that recommended by Miss Carpenter were adopted. He maintained that the community could not help paying for these children somehow. If we would not pay for the feeding and education of neglected children in schools, they would have to be taught and fed in prison some day, and it would be infinitely cheaper to lay hold of the children, than to allow them to grow up to swell the criminal classes. In addition to the sanction of the Government to the establishment of feeding schools, he would like power to be given to school boards to establish infant nurseries. Many parents excused themselves for not sending their little girls to school on the ground that they were obliged to keep them at home to nurse the baby; but that excuse could not be employed if nurseries were established.

The Rev. W. D. Cowell (Edinburgh), contended that industrial schools should be established without any further delay. He had had some experience in Edinburgh, and could speak most satisfactorily of the results of Dr. Guthrie's scheme. He knew many now occupying respectable, nay high positions, in society, who would now have been thieves if they had not been cared for by such schools as those under discussion. It was only a modification of the apprenticeship system. The child would earn a little, and the parent might have to pay a little, but by the procedure no harm would be done to the parents' independence. He did not concur in the opinion that too much had been done for the working man. He granted that too much had been done for the pauper class, but he never put into the same category the honest, upright, working man.

Miss Carpenter was sorry that she appeared not to have thoroughly explained herself in some parts of her paper. She believed that one part of the misunderstanding which existed arose from that profound ignorance of the actual condition of the children which many people exhibit, and which was at the basis of the whole of the resistance of the Committee of Council on Education, with which we had had to struggle for a quarter of a century. The Committee of Council had always supposed that the ragged neglected children could be brought into the ordinary school, if people would set about it; and that the reason this was not done, was a love of doing things in a slovenly manner. If a child belonging to the lowest class were clothed and put into a school, either his parents would pawn his clothes, or else they would soon be worn out in the

streets. No ordinary appliances would suffice for children who, almost from their infancy, had led a lawless life. When she was examined before a Parliamentary committee, Mr. Lowe, who was then meditating—although she was unaware of the fact—his new Revised Code, said that there must be some test, and asked whether she would accept payment by results. She replied that she would not accept an educational test; but that if fair results were asked, she would give them. In dealing with these children, the first thing was to civilize them, to teach them decency, order, and cleanliness. These were difficult things to teach such children. Therefore, it was not fair to expect that under such circumstances the ordinary educational results could be given. In the school at Bristol, a number of things were given besides food. In the playground were baths for washing the children; and as at times boys thoroughly wild were admitted, it was necessary to have a larger staff of teachers than would be required in an ordinary school. They began originally with one meal a day, a dinner; but when the children were ranged to go away, three hours after, she saw such a fearfully hungry look, that she felt that she could not send them out of the school in that condition. She therefore said, "What little boy would like a bit of bread?" Bread was distributed, and the eager way in which the boys seized the pieces of bread handed to them was quite affecting. After that she provided a good cup of cocoa and a piece of bread for each child before dismissal in the afternoon. Subsequently, it was found that the children did not come until ten or eleven o'clock in the morning, the reason being that their parents were waiting until they could get a little bread for them; but the consequence was that the children lost a large portion of their schooling. On the assumption that if a child would eat oatmeal porridge with thankfulness, that was a sign that it was starving; porridge, with the addition of some treacle or sugar, was provided at half-past eight o'clock, for those who would come for it. The object of this school was not to feed the children, but to get hold of those children whom the school board could not by means of its agents reach, and subject them to some civilizing and educating influence, such as their condition required, and such as they could not get at the ordinary schools. Certified teachers, although they were valuable in a certain sense, were not always the best teachers for ragged schools. Mr. Lowe told Dr. Guthrie and others, forming a deputation, that he would do nothing for these children, and that they might go to either the workhouse or the reformatories. He was then asked whether he would give them education, and he replied that he would not. The right hon. gentleman ignored the class. The school boards had, however, brought the class into prominence. She would not say anything about London, the circumstances of the metropolis being very different from those of the country. It was London which prevented the Parliamentary Committee of 1861 from taking up the subject, because it was said that in London the ragged schools were well supported, and found no difficulty in getting money. With respect to the difficulties found by Mr. Ford, she said he did not look at her propositions, which were excessively simple. They would not encourage bad parents. As to the alleged inability to make the parents pay under the Reformatory Schools Act, Mr. Turner had constantly complained that he had not had either proper opportunity, or the necessary official aid to enforce payment. The school board would be supplied with better information as to the means of the parents, and be in a more favourable position for enforcing payment. When one parent had been sent to prison, it would be found that the other would not neglect to pay.

The CHAIRMAN (Mr. Kennaway, M.P.) thought it would be better, at once, on his part, to plead guilty with Mr. Serjeant Cox, to knowing very little about the subject before the section; but now that they had got ladies on the school boards there was some hope of being able to attain the necessary knowledge, and arrive at a sound conclusion as to what was wanted. It had been said that Parliament had refused to recognise its duty in this matter. That was not correct. Parliament might not agree with Miss Carpenter as to the way of carrying it out: or it might even have failed to discharge its duty through ignorance; but he held that the Education Act which had been lately passed was sincere evidence that Parliament wished to do its duty by the working classes. One of the main pillars of that Act was the recognition of the responsibility of the parent

provide for the education of his child as well as to feed and clothe it; and after carefully weighing and deciding upon this matter, Parliament would not be in a hurry to depart from its decision. It certainly would not depart from it unless it could be shown that there were special cases requiring to be dealt with in a special manner. The plan of Miss Carpenter, he thought, was practically an extension of the ragged-school system. The proposal, they might be sure, would meet with great opposition. It would need to be carefully ventilated, and something in that direction had been done to-day. The school boards were feeling their way; and when the opinion of the country was decisively shown in regard to the method of dealing with the street Arabs, he was sure Parliament would be ready to take it up and carry it out, in spite of Mr. Lowe and his resolutions.

PRIMARY AIM OF PUNISHMENT.*

What is the Primary Purpose of Punishment—to Deter or to Reform? *By* Mr. SERJEANT COX, *Deputy-Assistant Judge of Middlesex.*

THIS question would probably have been considered not sufficiently debatable for submission to formal discussion by this Association, but for the extraordinary differences of opinion upon it that were undeniably expressed by the members of the recent Prison Congress. It was not brought formally under the consideration of the Congress, but it cropped up continually, betraying the existence of very divergent lines of thought in relation to the proper objects of criminal jurisprudence. It was also manifest that the direction of opinion upon this subject much affected, if it did not entirely control, the views of the great majority of the speakers in reference to the practical treatment of criminals, which it was the business of the Congress to consider.

It was with some surprise that I heard speaker after speaker treating the question either with the open assertion, or with the tacit assumption, that the primary, if not the sole, object of the administration of the criminal law was, or should be, the reformation of the criminal. Criminals were "society's failures;" the criminal was an "unfortunate" only; "society had not done its duty to him, and owed him something for its own defaults;" compensation should be made to him in the prison for its neglect of him in the street; he should be washed (a process to which he has the utmost aversion), well fed, well clothed, well warmed, educated, crammed with moral texts, and when he shows the established symptoms of reformation, restored to the outside world a good deal better off in all respects than the less fortunate honest people who had been denying themselves the comforts they had been subscribing to supply to him. In the estimation of these speakers a prison was not a place for punishment, but a costly educational establishment—in fact, a college for criminals; and the only business of its officials was to convert them.

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* See *Transactions*, 1871. p. 315.

I ventured to oppose this current of what seemed to me mistaken and somewhat maudlin philanthropy, by reminding the Congress that there was another object of legislation than the conversion of the criminal; that punishment was only the means and not the end; that the law was designed to be a terror to evil-doers by fear of the consequences of breaking it; and that punishment was inflicted as the example to prove that the threatened consequences will follow, and so to deter those who are not criminals from becoming such; that our aim is not alone the infliction of pain upon B, who has offended, but to prevent all the other letters of the alphabet from offending by practical information, through the fate of B, that self-indulgence—which is at the bottom of all crime, except crimes of passion—may be purchased too dearly.

In these views I was energetically and ably seconded by one of the American delegates, I think from Ohio, and by the delegate from Holland. But there was a general shaking of the crowd of uncovered heads round the platform, and the bonnets were unanimous and emphatic in their urgent expression of dissent. I was properly reminded by the chairman that the question, important as it was, did not form part of the programme, and discussion upon it was necessarily suppressed. But it was evidently a question on which there exists great differences of opinion, even among experts; its importance is immense, for on the decision of it depends the entire course of criminal legislation, the administration of the criminal law, and the manner of dealing with convicts. I therefroe suggested it to the Council as a proper subject of discussion in this Congress, and was requested to undertake the duty of bringing it formally under the notice of the members, which I will endeavour to do as briefly as the magnitude of the question will permit; and I venture to ask those who will follow in debate upon it to favour us with as much of experience, and with as little of mere opinion, as they can compress into the allotted ten minutes.

What is the purpose of all criminal law?

The *prevention* of crime.

Whatever the means adopted, whether terror, or safe keeping, or reformation, prevention is the sole object: the treatment of the criminal is only the manner in which that end is pursued.

In all countries, and at all times, the means by which legislators have sought to attain this end, has been by defining offences, and affixing to each offence a penalty.

A penalty means punishment, and punishment means pain. The pain may be physical or moral, but it is expressly designed to be disagreeable. If it was not painful it would not be punishment.

Wherefore, then, does criminal law always declare that if the prohibited act is done, a certain amount of pain shall be inflicted upon the offender?

First, by way of warning to all its subjects that if they so offend

hey will have to suffer a certain amount of pain, and, therefore, to *deter* them from offending.

Secondly, by the pain he has endured, to deter the offender himself from again offending.

In both the punishment is designed for the *prevention* of crime. In the one case by deterring the unconvicted through fear of what he may suffer; in the case of the convicted by the memory of what he has suffered.

There is a *third* object in the infliction of punishment not the less important:—To bring home to the minds of the evil-disposed the fact that the law is not a mere name, but a stern reality, by the knowledge that they who have broken it have endured pain as the punishment of their wrong-doing, and to realize to them the fact that if they do the like they will have to suffer the like.

These are the objects for which criminal law exists. Certainly they are the primary objects, and it may be a question if they are not its only proper objects. The reformation of the criminal is, at least, a secondary purpose. If it be deemed a duty of the State, few will doubt that it is a duty resulting from some other relationship it has to him than in his character as a criminal. Having locked him up for its own protection, there may be a species of moral obligation requiring society to do the best it can for him; not because he is a criminal, but because he is a helpless creature at its mercy.

The end being the protection of person and property against the invasion of the lawless, society is entitled to do whatever will best attain that end. It is not a question of how much or little it has a *right* to do. It claims the right to punish in any manner and to any extent that will best secure that end.

The only open question in such case is, what nature and degree of punishment will best secure obedience to the law, and the protection of person and of property which the law is designed to secure.

Manifestly, it must be exemplary as well as deterrent; unless punishment carried with it a certain amount of terror it would fail to effect its object. The criminal himself would not be prevented from repeating his offence unless the pain of the punishment exceeded the pleasure for the sake of which the crime was committed; and others would not be deterred from becoming criminals unless the consequences were such as to make them fear to hazard the penalty.

This, then, is the first principle of punishment. Its application in the apportionment of punishment to crime is the next stage in criminal jurisdiction.

It would be impossible within the space permissible at such a meeting as this to trace the particular punishments applicable to each offence as well as to each class of offences. But starting with the principle that the primary object is to deter the honest from becoming criminal, and the criminal from repeating his crime, it

would be practicable to define certain other principles that should govern the application of the general principle to particular classes and cases.

But legislation cannot attempt this. The law can do nothing more than affix to certain crimes certain penalties, giving the judges who administer the law a very wide latitude of discretion. It would be impossible to anticipate the infinite varieties of modifying circumstances that must govern the award of punishment in various cases of crimes technically the same but differing in degree of moral guilt, of wrong done, or of danger to the community. The lawmakers have wisely vested this discretion in the judges, and any proposal for its restriction cannot be too earnestly deprecated.

But it must be admitted that judges do not always exercise that discretion with sufficient reference to rules. Sentences are often arbitrary, by which term I intend only that they are determined by a momentary impulse, not in pursuance of some principle applicable to the case. Many cases occur in the course of practice in which the most sagacious and experienced judge metes out a penalty for which he would find it difficult to assign a sufficient reason, still less to assert some principle as having directed his judgment. Feeling the want of some such rules, I endeavoured to construct a scheme of "Principles of Punishment," to direct the judgment in the awarding of punishment, by which, if assented to, I hoped that greater uniformity of sentence than now exists might prevail in our criminal courts. Having conceived the scheme, I submitted it in outline to the late Mr. Matthew Hill, who had given more thought to the application of the criminal law than any other living man, and he told me that he had often reflected on the practicability of that which I had suggested, and was conscious of its great value if practicable; but that his own experience was that the exceptions would be so many as to render the rules worthless. I, however, resolved to make the attempt, mainly for my own instruction, with a view to have in my own mind, if possible, some rules to guide me in the discharge of my duties; and having framed them, I published them for the use of any other judges or magistrates who might desire some such guide.

I must confess that my friend, the Recorder of Birmingham, had rightly appreciated the difficulty. I have found in practice that it is more easy to prescribe rules than to follow them. It was easy to say that certain attendant circumstances aggravated a certain crime, and that when the circumstances were alike the punishment should be the same; the fact was that the circumstances never were the same. It must not be inferred from this that I have come to the conclusion that principles of punishment are impracticable or worthless, but only that they are not so easily applicable as I had hoped to find them. Experience has satisfied me that it is possible to construct some general rules for better defining certain degrees of criminality and apportioning the degrees of punishment. The law

properly confides to judges a wide range of choice over which there is no other control than the Home Office. Imprisonment may range from a day to two years; penal servitude from five years to a life term. What judges require and ought to have, is some more definite principle to guide their judgment in determining the specific term to be awarded in the particular case. We want *some* rules of measurement for this purpose, for at present we have none. It matters not if the circumstances of every case required a departure from the rule, not the less is a rule required as a standard from which the departure is to be made. For instance, a larceny, having no special circumstances of mitigation or of aggravation, is thought to deserve six months' imprisonment. But the offence has mitigating circumstances, according to the value of which reduction may be made from the ordinary sentence to any required extent. So, on the other hand, if there are aggravating circumstances—the thief was a servant, the robbery was with violence, and so forth—each of such circumstances of aggravation should add something to the ordinary punishment. In this manner, by affixing a certain punishment to the offence as a general rule, where nothing appears either to increase or reduce its criminality, and then having a scale of additions or reductions for such attendant considerations, I think it would be very possible to construct a scale of punishments which would materially assist in guiding the judgment of the judge, and produce more uniformity than exists at present in the punishment inflicted by the various tribunals.

The effect of exceptional punishment in the repression of exceptional crime is very marked, and thus experience confirms the argument that the primary object of punishment should be to deter. The infliction of the lash for garotting brought about an immediate diminution of, and has almost extinguished, that crime. In my own personal experience the same results have invariably followed similar treatment. There is a fashion in crime. Certain offences fill a large space in the calendar for successive sessions. We announce an intention to treat it with exceptional severity, and to visit every case with an exemplary sentence. There is an instant diminution in the number of such offences, and they speedily fall below the average. When I was Recorder of Falmouth, the ships in the harbour were pestered by boys prowling about to commit petty thefts. Imprisonment had been tried in vain. The first batch of three who were convicted before me I ordered to be taken from the court to the gaol, birched, and discharged with sore backs and wet cheeks, as palpable examples to their companions. For five years I had not another case, although previously scarcely a sessions had been held without them. Last year, at Portsmouth, an alarming practice prevailed among the soldiers stationed there of committing small larcenies for the express purpose of procuring their discharge from the army. Imprisonment for two or three months was held but a small penalty to pay for the subsequent advantage. The commanding officers complained. The remedy

was obvious—punishment of exceptional severity, with a view to deter. I gave notice that I should so treat any such case, and the next would-be-deserter I sentenced to two years' imprisonment. I stated my object to be to make the price of desertion too great to be paid. It has had the desired effect. Not another case has occurred since. I may be allowed to state the sequel. The soldier having served some months, being well-behaved and penitent, and the local authorities assuring me that the object had been perfectly secured, I recommended to the Secretary of State a remission of the remainder of his sentence, and he was discharged. An announcement at Middlesex Sessions that a receiver would be visited with double the punishment given to the thief, has had a marked good effect in alarming the body of thief-makers. The rule is one that takes hold of the imagination; it is at once intelligible to offenders. But it operates by deterring, not by reforming.

But holding that the primary object of criminal law is to deter, I do not therefore reject the reformation of the criminal. Although a secondary, it is yet a desirable object. But it should not enter into the scheme of the law as administered publicly by the tribunals. Reformation is a matter for prison discipline after the convict has come into the custody of the authorities who are to have the charge of him during the infliction of his sentence. The law cannot at all, and the judge but imperfectly, determine the degrees of moral depravity. The law, and the judge who administers it, must look mainly to the character of the crime; the prison authorities alone can determine the character of the criminal. The judge must pronounce the sentence attached by the law to the offence, that all may know what are the legal consequences of crime. But after the sentence has been passed by the court, and the criminal is sent to the prison to receive his punishment, a classification should be made of the convicts, according to the degrees of their moral turpitude, distinguishing between one who has committed manslaughter in a passion, and a pickpocket who has made crime a profession. The law and the judge are compelled to say that manslaughter is a worse offence than larceny, and to affix to it a larger punishment. But there is a vast difference in the actual criminality of the offenders, and classification of convicts should recognise this. It should be a prison regulation, not a public proclamation, and the reformatory process would then be applied to each, according to the degree of his personal wickedness, rather than according to the magnitude of the particular crime for which he is to be punished. But it should be clearly understood that the obligation of the State is to do nothing more than to bring about such a reformation of the criminal as will prevent a repetition of his crime. His reformation in no way prevents crime in others by diffusing fear of its penalties among those who might be inclined to procure self-indulgences by crime, which is the main object of criminal law. It is questionable whether it does not tend somewhat to diminish that wholesome dread. At all events, the more we

insist on deterring, and the less we talk about reforming, the more potent will be the influence of the criminal law upon the imaginations of the criminal classes.

DISCUSSION.

The Rev. Dr. STOCK (Devonport) said, the meaning of reformation was to keep a man from doing some bad thing a second or a third time; and, logically, as they have been defined, the two things virtually became the same thing. Both to deter and to reform ought to be primary objects in considering the punishment to be awarded. Law without penalty lost its very nature, and sank to mere advice. The ultimate end of punishment was security to society; and he did not believe that a criminal should be treated as a mere unfortunate, but that he should suffer for the wrong he had done. To the laws of God very severe penalties were attached.

Mr. RYDER (Devonport) thought the object of punishment was the protection of society, and the object of reformation was the benefit of the criminal; but by mingling the two we obtained an entirely mistaken view of the matter. He had had experience in Devonport Prison, and he was satisfied that a mistaken notion existed as to the question of hard labour, and also as to the amount of punishment which was very often given to individuals. There seemed sometimes to be an idea that because a very small punishment was given to one individual, and a very much larger punishment to another, for very similar offences, therefore the magistrates were doing wrong. This, however, was more apparent than real. The antecedents of the prisoners required different kinds of treatment, not so much for the purpose of punishing them as for the purpose of reforming them. He happened to be going through Devonport Gaol on one occasion in his capacity of visiting justice, when a prisoner, in answer to the question whether he had any complaint to make, replied that he wished to know why he had been punished. The governor was asked to explain, and then it was discovered that the man had been removed from hard labour, and wished to go back to it. The Devonport magistrates had decided unanimously never to order hard labour where they could avoid it, and the recorder of the borough had adopted a similar course. The practical result of it was that a prisoner seldom returned to the gaol. What was called hard labour had no reformatory effect. Shot drill, after a very short experience of it, was treated as mere play. The seamen sent to Devonport Gaol, on their release, reported that the hard labour was mere play. Now the authorities refrained from committing offenders to hard labour; and that had been followed by satisfactory results. When prisoners were put to remunerative labour they felt that they were working for something, and this converted them from mere animals into thinking beings. Twenty-four additional cells had been built by the prisoners, and their work would bear comparison with that of men constantly employed in that way. Two soldiers, who knew nothing whatever of the work of a mason, were occupied with it during a long term of imprisonment; and such was their good conduct and diligence that they obtained from the governor, on their release, a good recommendation, and got work as masons in Plymouth, and subsequently at Exeter. The punishment of prisoners should be apportioned with some regard to their former characters, and then the efforts of the prison authorities should be directed toward making them think; for, by so doing, a great deal more would be accomplished than by simply sending them to prison for punishment. Men who formerly knew nothing of such things were taught in Devonport Prison to use the line and rule, and study their work; and thus, when they left it, they stood some chance of managing for themselves and earning their own livelihood.

Mr. HODGKIN (Lewes) thought the prevention of crime was the primary object contemplated, and that it was the fear of punishment that kept a man from committing crime.

The Rev. W. D. COWAN (Edinburgh) observed that he had visited many of our prisons, and had arrived at the conclusion that to deter was the primary object of punishment, prevention being far better than cure. Punishment might be of two

kinds—positive and negative. By positive punishment physical injury was inflicted on the prisoner, and by negative punishment he was deprived of what he considered was a necessity. The previous afternoon he spent with a man who was supposed to be reformed; but, if reformed, the man was not deterred, for his view of prison life would certainly not have the effect of deterring many of his companions. He visited Dartmoor a short time since, and he was almost sickened by the sight afforded him. He saw prisoners acting in the place of horses, or Siberian dogs, and certainly the experience they had in the convict establishment was not one to fit them for an honest life. He had found many prisoners feeling very keenly the want of the luxuries they had enjoyed out of prison, such as tobacco and snuff; and he thought good might be effected by granting to them a little of such articles for good conduct.

Mr. C. B. Ford (London) protested against the idea that prisons were to be easy places, and observed that neither to deter nor to reform ought to be the chief end in view, but that both should occupy a primary place. The two things must go together. It was desirable that the reputation of the prison should be as bad as possible, and that the experience inside it should also be dreaded. In his opinion, however, sufficient was not done to reform the criminals whilst undergoing their sentences. In the reformatories things were managed much better. The statistics of the reformatories showed that 75 per cent. of the boys never relapsed, and that of the remaining 25 per cent. only 15 per cent. were convicted a second time. He entirely agreed with Mr. Baker's views as to treating criminals.

Mrs. King was of opinion that the primary object should be to deter. When a prisoner was reformed, the idea was that his moral character was improved; but that was a thing which could not be done in gaol. If we deterred from a certain crime, we reformed society and not the man; that was to say, we did not make him a good man. In order to reform a prisoner, it was necessary that he should have liberty; and the greatest boon ever given a prisoner for the purpose was transportation, for then he had liberty.

Mr. Barwick Baker (Gloucester) felt that all had the same object in view—namely, that of preventing crime for the future. We could not do away with the effect of past crime; the man who had been injured by crime could not be repaid; and therefore it was no use looking back, except for the purpose of preventing future crime. He could not help differing from Mr. Serjeant Cox and other speakers by saying that he had always looked to the good of the thief rather than to the good of the public. The average loss to the public was infinitesimally small; but the apprehension of the thief was a matter of the most intense consequence. He would deter, reform, frighten, or do anything to the thief rather than allow him to go on as a thief. He believed the deterrents saved more people from crime than reformation did; but, at the same time, he believed the absence of a bad example would save more from crime than even deterrents. Deterrence required careful study. It was quite possible to give great deterrence with very small pain; and it was also quite possible to give very great pain with very little deterrence. Deterrence must by no means be measured by the pain that was caused. If sentences were uncertain, and a man could not form an idea of what sentence would follow a certain offence, he would always hope to get the smallest sentence. It might, however, happen that he got an enormously heavy sentence; but that had had no effect in deterring him, and it would not deter others, who would probably hope to be more lucky than he had been. There should be a maximum of deterrence, with the minimum of pain. In order to attain that, the great point was to ensure a certainty of a man's knowing beforehand how much punishment would follow the commission of an offence. A great many people laid immense stress on the fact that a thief in the dock ought to know and be impressed strongly with the fact that he would have precisely what the judge gave him, without the slightest alteration. He could not see that this was so all-important. When the thief was in the dock he could not commit another crime, and therefore he wanted no deterrence until he came out again. Whilst he was in prison other people would not know whether his sentence was being strictly carried out, and therefore that would make very little difference to them. They must consider, not the effect on the feelings of the man in the dock, but the effect on the feelings of the men likely to be tempted to commit crimes throughout the country. As the

learned serjeant had said, a rule took hold of the imagination, and was at once intelligible to offenders. It was, therefore, most important that they should understand some rule, which should be so framed as to be clear to the stupidest and least educated. Mr. Serjeant Cox had produced most elaborate and ingenious rules for passing sentences. He had read them with very great pleasure; but still he begged to differ from the learned serjeant in respect to them. Punishment was allotted by them in proportion to past crime; but it seemed to him that the rules were compiled for the purpose of giving exact retaliation. He did not mean retaliation in a revengeful spirit, but they weighed out the punishment exactly according to the wrong which had been done. The rules of Mr. Serjeant Cox might be thoroughly understood by judges and magistrates, and all who could read them; but he doubted whether they would be thoroughly understood by the criminal classes whom it was desirable to impress. He feared they would fail to comprehend the learned serjeant's excessively clever and beautiful reasoning, simply because they could not read his book, and could not get it if they could read. To Mr. Serjeant Cox's system he might oppose another, which, he was happy to say, was gaining ground. The Liverpool magistrates had taken it up, and the Manchester magistrates were considering it. The rule laid down was that for the first offence, whether it was stealing 5*l.* or 5*d.*, whether the accused was a servant or otherwise, punishment should be ten days' imprisonment. Many gentlemen and ladies who had not been in prison would probably not be aware how severe the first ten days in prison on low diet were. After a time prisoners became used to it. The object was to send them away with the horror of the first ten days upon them, and with the information that if they came back again, it would be continuous, as a general rule, for six months; followed by seven years' police supervision; and that a third conviction would entail upon them seven years' penal servitude. The more easily understood such rules were made, the more deterrent they would be.

Mr. T. C. Bryan (Plymouth) believed that if they would quietly sit down and compare notes, they would find that no difference really existed in the minds of any of them as to what the object of punishment should be. They might discuss different methods of attaining it; but he believed it would all be summed up in these few words, that punishment was inflicted for the prevention of crime. We first sought to catch the offender in order to prevent the continuance of the mischief, and then, after conviction, we must punish him to deter him from continuing his evil practices, and as a warning to others. Prisoners were not and ought not to be punished by way of retaliation. There was a wonderful freemasonry among criminals, by which they learnt who were in custody, when they were being tried, by whom they were being tried, and the results of the trial; and hence, the importance of the way in which they were dealt with when in the hands of justice. Garotting had, he trusted, been almost stopped by the application of an exceptionally severe punishment. The reform of criminals was a sad subject for contemplation. There was no philanthropic individual, who, whilst seeking to improve society by the prevention of crime, did not seek to reform the criminal both for time and eternity. He was afraid appearances in prisons of reformation were sadly deceptive, and could give instances in which he had been greatly misled by the demeanour and conversation of the prisoners. Mere severity would not suffice to effect the reformation of such people. The chief object was to deter, and while the prisoner was under confinement we must strive to improve him individually. Crime had greatly diminished in the neighbourhood. Certainty of punishment was an important point, for it would do a great deal to prevent the repetition of an offence; but he did not advocate great severity. One judge might pass a sentence for twelve months, and another judge a sentence of seven years for the same offence. He wished something could be done to bring about certainty and regularity of punishment in this respect, as well as more equality.

Mr. Herbert Safford (London) was a little surprised to hear a veteran reformer say that the loss of property was very small. In the returns of the Metropolitan Police for 1871, he found that the mere loss of property—independent of the cost of police and prison management—was 77,328*l.* Of that only 19,284*l.* worth was recovered, leaving a deficit for the metropolis alone of 58,044*l.* That was the result not of fraud combined with thieving, but of

simple thieving. He agreed with the Chairman (Mr. Serjeant Cox) that there was a fashion in crime which to his mind was created by the facility with which a certain class of crime might be committed. The calendar of the last ten years showed that, whereas crimes of violence had diminished, crimes of fraud were immensely increasing. Why was this? Fraud, being a misdemeanour, was dealt with more lightly than larceny, assaults, and robberies; and the latter were prosecuted at the expense of the country, whilst fraud was prosecuted at the expense of the individual. Mr. Safford then gave instances of how fraud was every day committed with impunity. The threatening of witnesses was another sort of offence, and it was only by the utmost severity that it had been lessened. He was afraid we were in this matter getting too much into a groove of thought. It was a very common thing to hear a judge say, "You are a servant, and have betrayed the trust which had been reposed in you, and, therefore, you must be more severely punished." It was utterly useless to fix absolute principles of punishment which should be subject to no variation; for there were cases in which juries would certainly refuse to convict, if conviction was to be followed by twelve months' or two years' imprisonment. The Reformatory Schools Act had hit upon the right principle of punishment; it showed an offender what the interior of a prison was, and then sent him to a place where he would be kindly treated, and where he might work out his own liberty and have a chance of becoming a useful member of society. This long period of detention was of great service to him; but at the same time the terror of being separated from congenial society for that long period had a salutary effect upon his associates. We heard a great deal about the reformation of offenders, and at the same time we allowed the offenders to grow up in our midst. We permitted parents to wash their hands of all responsibility for the children they had brought up without any training, religious or moral: it was the duty of the clergy, of the police, of anybody rather than themselves to take care of their children. All persons might do something to spread a purer and better literature than that which was now circulated amongst the youth of the country.

Dr. STEWART (Dublin) thought that in treating prisoners nothing was more important than their diet, and remarked that by too good a diet encouragement was given to crime. He was also of opinion that there had been too much sentimentality of late, and the sparing the rod and the birch had seriously interfered with the efforts which had been made to deter crime.

Mr. BALKWILL (Plymouth) questioned whether reformation should not be regarded rather as a reward than as a punishment. Crime implied three sorts of evils; and when it was discovered, the objects to be sought should be—first, the security of society; secondly, reparation to the victim; and thirdly, the reformation of the criminal. In the treatment of the criminal, the state of the mind—whether it had arrived at maturity, or the progress it had made towards it—whether it was the mind of an infant or of an adult—should be taken into account. But there was much greater hope of changing the character of a child than that of even the most ignorant adult.

Mr. ROWLAND HAMILTON (London) said that judicial sentences should be clearly deterrent; and if they were so, they would have a distinctly reformatory effect. The uncertainty of sentences invested them with a charm, and was at once seized upon by the gambling spirit which pervaded the criminal classes. Although servants should not be exposed to more temptation than possible, yet on the other hand, the care taken of property should not be allowed to run into anything like distrust. His experience had taught him that if he wanted to get good servants, he must trust them. He had found that to be the case amongst the natives of India, and that being so, surely they would not appeal to lower motives when dealing with servants of their own blood and race.

Mr. S. MAITLAND (Plymouth) observed that he had seen cases in which the ends of justice had been defeated, owing to the want of a public prosecutor. He then dwelt upon the necessity of mistresses stating correctly the characters of servants for the benefit of both employer and employed.

Mr. Serjeant Cox said his paper was not intended to apply to young persons, who could not be dealt with in the same way as hardened criminals, who did not commit an offence without having pretty well calculated beforehand the con-

sequences. Boys and girls could not, in his judgment, be treated too leniently. The course he usually adopted was, to let them feel that they had got themselves into a great mess, and then endeavour to prevail upon their employers to take them back into their service. If that were done, he let them off without any punishment, telling them that if they behaved themselves improperly they would have to come up for judgment. If their employers would not take them back, the next course was to get the offenders into a reformatory, giving them as little previous punishment as possible. He could not agree with the suggestion that they should go to prison for any lengthened time previous to being sent to a reformatory. He did not think it was desirable to send young persons to gaol, particularly for a first offence. He was confident that the effect of the gaol was to lower the boy or girl in their own esteem. He regretted that it was necessary to send them back to gaol for a single hour after conviction. He was obliged to do so, because the reformatory at Feltham did not receive boys over fourteen; whilst other reformatories fixed the age at sixteen. Most of the boys that came before him, in order to avoid the reformatory school, stated their age to be over fourteen. Mr. Baker had suggested a plan by which imprisonment in the first instance would be limited to ten days. He could not conceive that ten days' imprisonment would deter any thief, much less the vast mass of professional thieves. Mr. Baker had also said that he would reform the criminal, not for the sake of the public, but for his own sake. Thieves did not feel about this matter as other people did. They looked upon thieving as a business, and not as a wrong; and all they feared was the law. The figures Mr. Safford had produced respecting the state of crime in London only showed a small portion of its extent; because there were numbers of robberies not reported to the police. Mr. Safford was quite right when he said that fraud was getting on the increase; but why? It was the effect of an improved education. It was often said how very uneducated thieves were; *ergo*, ignorance was the cause of crime. Let education be diffused, it was urged, and there would be no crime. His experience taught him that the effect of education was not so much to diminish the amount of crime, as to alter its direction. Formerly a man was knocked down and robbed in a vulgar way. In course of time the thief got above that, and took to picking pockets, an employment which required some teaching and ingenuity. But educated criminals now had found out something better than larceny, an easier mode of effecting their object; and so we had all kinds of fraud and swindling. Prosecution for swindling was a very costly affair, and no proper provision had been made by the law for offences of this nature. A new and well-framed law dealing with fraud would confer a great benefit on society. A man who deliberately planned a fraud, and executed it by means of a great number of letters and advertisements, was an infinitely greater criminal than the man who picked a pocket; and yet the law did not provide for such a case, or only in such a manner as to secure a conviction in one case out of ten. The prime purpose of criminal jurisprudence was to deter the criminal, and after we had got him let us by all means do what we could to make him a better man. There was, however, as far as his experience went, but little likelihood of reforming a man who had been all his life a criminal; but with young people we might do anything they liked.

TREATMENT OF PRISONERS BEFORE TRIAL.

The Police Cells of London. By T. L. MURRAY-BROWNE, *Barrister-at-Law.*

WE have lately heard a good deal about the prison systems of other countries, and have, perhaps, felicitated ourselves in the thought that at least no very gross abuses prevail in our own.

The object of the present paper is to call attention to a feature in our prison system, to which my own attention was first drawn by a discharged prisoner, and which seems urgently to require amendment. I allude to those places of temporary confinement, known as police cells. In London (and I shall confine my observations to London), these are of two kinds. There are firstly the cells attached to every police station, in which prisoners are confined immediately on being taken into custody, and until they can be brought before a magistrate for examination. In these, therefore, persons are frequently, or most commonly confined for a night. The second class are the cells attached to each police court. To these prisoners are usually brought in the morning, and remain there until four or five o'clock p.m., when they are transferred to the regular houses of detention, or (if summarily convicted) to the house of correction. In the police court cells, therefore, prisoners pass the entire day, but seldom, if ever, the night. Now, bearing in mind that the persons here confined are not only unconvicted, but untried, the first requisite for the police cells of either kind would seem to be complete separation between the prisoners. This, however, is not even attempted or professed. A number of prisoners sit together in a cell nearly dark, without any attempt being made (so far as I can learn) to check conversation. I lately visited one of the metropolitan police courts, and was shown over the cells, which I was assured were, if anything, better than the average. There were some five cells in all, one of which appeared to be appropriated to women. All were of much the same character. They were larger and higher than ordinary prison cells, supplied with fixed wooden benches running round the walls, but with no other furniture, and were connected by a grated door with a passage, by which they were approached. They had no window or aperture of any sort, communicating directly with the open air, and were consequently nearly dark; so that until the eye became accustomed to the gloom, it was difficult to discern even large objects. The air was close and unwholesome, notwithstanding a ventilator in the ceiling, which, however, as I was informed, led only into an upper chamber. At the time of my visit there were not more than five men in one cell, but the officer stated that there were sometimes as many as ten. There was an officer in charge of the cells, but he seemed to sit principally in a room outside the passage into which the cells opened, where his presence could not possibly exercise any check upon the prisoners, except in the case of positively outrageous conduct. Indeed, there was no place provided for him to sit in the passage; nor was it considered in any way part of his duty to do so. As to separation between the prisoners, I was informed that no attempt was made to do anything in this direction, beyond separating the sexes, and if possible keeping the two classes of misdemeanants and felons apart from each other.

On the same day I visited the cells at a neighbouring police-station. These had been lately built; yet they differed in no important particular from the police-court cells already described. The system of confinement was also the same.

This state of things prevails, as I am informed, throughout the police-courts and police-stations of the Metropolis. The evils of such a system are obvious, especially when it is remembered that the persons thus promiscuously confined are of all ages and conditions of life; that all of them are unconvicted and untried, and some, at least, entirely innocent. In the first place, the darkness and bad ventilation of the cells are very objectionable. There can be no reason why police-cells should not be made, like prison-cells, with windows communicating with the open air, into a yard or otherwise. But this objection sinks into insignificance when compared with the evil of the unrestrained intercourse permitted between the prisoners. A young boy, as yet unaccustomed to guilt, is thrust into a dark cell, filled with criminals of the very worst description, and is left there all night, with no effective supervision whatever. I will not stay to dwell on the hardship which might be inflicted upon a man in the position of a gentleman who might be similarly confined. Again, a girl in service accused by her mistress of peculation, and perhaps entirely innocent, may be shut up all night with a parcel of prostitutes in a state of drunkenness, shouting forth blasphemies, and giving way to conduct of the most indecent character. And yet undisguised foul language and indecent conduct are a far less evil than may be produced by the quiet but subtle conversation of some agent of Satan, whether male or female, who thus becomes for hours together the companion of a comparatively innocent person. It is true that the time thus occupied seldom exceeds twelve hours, but enough poison may be administered in twelve hours to last a lifetime. There is another evil attending the present system which I have not mentioned. The women's cells immediately adjoin those of the men, and open side by side into the same passage. The consequence is that the women, although unseen, are within full hearing of the obscene and foul language, which is not unfrequently levelled at them by some drunken and brutal blackguard in the next cell. It is unnecessary to say that the police and police magistrates are in no way responsible for this state of things. The Home Office alone has power to correct the evil, and doubtless it will only be necessary to call the attention of the Home Office to the point in order to produce an immediate reform. The obvious and most complete improvement would be to confine each prisoner in a separate cell, properly constructed, and to provide such a number of separate cells as should be sufficient for this purpose, except under circumstances of extraordinary pressure. This course would no doubt be expensive. Another plan, which would at least be a great improvement upon the present system, would be to resort to the simple course of placing the prisoners on separate seats round a room, under the charge of an officer, whose duty should be never to leave the place, and to suppress the first attempt at conversation. If, in addition to this, the prisoners were divided from each other by partitions of wood or iron, while separate stone cells were provided for the

drunken and violent, the system would at least be tolerable. And this might be done at small expense. Any existing room in the station, or in the buildings attached to the court, might be fitted up with open wooden partitions, like a series of sentry boxes, and placed under the charge of an officer, while the existing cells, bad as they are, would, perhaps, be good enough for those who are actually drunk or violently insubordinate. I would not attempt, however, to sketch out at present the system which may ultimately be recommended. The first step required is to collect information; and, believing, as I do, that the state of our police-cells constitutes a grave and serious evil, I desire especially to recommend the subject to the attention of the Social Science Association. I may perhaps be allowed to suggest that if my views meet with acceptance a reference might be made, either to the Council of the Association, or to a committee specially appointed for the purpose, to collect information and consider the course to be pursued, with a view to ultimately call the attention of the Home Secretary to the subject.*

Mr. De Tracy Gould read a paper on the same subject, pointing out that the object of preliminary detention was not the anticipatory punishment of the accused, but solely the secure custody of his person until his guilt or innocence should be established. It necessarily followed that the infliction upon an untried prisoner of any restraint or privation, in excess of what was necessary to his safe detention, was not only a hardship but a grievous wrong. It was as absolutely a wrong to the veritable criminal as to the person wrongfully accused, for even in the case of the former it was manifestly unjust that punishment should be inflicted before conviction, and in addition to that which after guilt has been proven the judge shall award as sufficient for his offence. Unnecessary severity in the treatment of untried prisoners has another and a very serious fault. In case of minor offences, the persons whose position or whose means permit them to obtain bail, escape altogether the privations and hardships which fall to the lot of those whose want of means or of friends compels them to await trial in prison; and surely while one great aim of our present philanthropy and political economy is to abolish injustice from class to class, and to prevent the hostility and the danger which such injustice creates, we should do our utmost to prevent the infliction of any unnecessary suffering upon that numerous class of untried prisoners, whose poverty or friendlessness alone detain them in custody before trial. The principle which should govern the treatment of untried prisoners, should be that of imposing no restriction and inflicting no privation, in excess of such as is indispensable to safe custody, or essential to the maintenance of order and discipline in the place of detention. As to

* It appears that the attention of prison reformers in America has already been directed to the condition of the smaller houses of detention in that country, corresponding, as I conceive, to our police cells.

visits to accused persons, physical necessity imposed, of course, certain limits to the number and duration of the visits which a prisoner may receive from his friends; but when it was considered how grievously a man's means of defence were curtailed by the mere fact of his imprisonment, and his consequent inability to do much which no one else can do so well, and which, next to himself, can be best done by his own family, it might fairly be considered whether he should not be allowed ampler and freer means of communication with one or two persons whose names he might furnish to the prison officers; for, now, not only is he restricted to receiving two brief visits per day, under most unfavourable circumstances for communication, but the two visitors, whom it is important that he should see, may be excluded by the unsought and premature intrusion of casual acquaintances! In the French prisons it was different in all respects; and he might mention that the French system existed not only in Belgium, but throughout Rhenish Prussia; being, curiously enough, co-extensive in its operation with the Code Napoleon, which was the basis of the law in both those countries. There, communication with the prisoner was by an order of the magistrate, who exercised a discretion guided by the nature of the accusation, the known character of the prisoner, and the degree of relationship of the visitor. In the matter of diet, the French prisoner was allowed any food within the ordinary range of the bill of fare of a restaurant; and contrary to English provision, prisoners using prison allowance might add to it to the extent of their means. Was there anything in all this obstructive of the course of justice, or opposed to good order and discipline? Was there anything in it, beyond what a man untried, legally innocent, and often morally guiltless, had a right to claim and enjoy? And if not, can it be withheld from him without injustice and cruelty?

On the Diminution of the Frequency of Imprisonment, with the View of increasing its Deterrent Effect. By Rev. C. M. E. Collins.

IMPRISONMENT operates in very different ways and with a very different force on the various classes that become subject to it, according as they are novices in crime or habitual criminals. With the former—and it is they whose case I am now most concerned with—the force of this punishment consists in a certain vague fear and undefined terror, the result of inexperience, magnified often by the imagination, but also (and this is the sentiment, the existence of which I wish to see more recognised in our criminal legislation), by a sense of shame at the disgrace which is attached to the fact of having been in prison. With the latter class the force of it consists mainly in the restraint it places on their personal liberty, and the

consequent interference with their gainful criminal practices, and the vicious indulgences usually attendant thereon.

Now, with both these classes a diminution in the frequency of imprisonment is likely either directly or indirectly to exercise a deterrent effect.

As to the first, the greater rareness of its occurrence enhances its attendant disgrace, and so directly and at once appeals more strongly to that sense of shame which withholds from the commission of crime.

As to the latter class, its less frequency leads to the possibility of adopting that only form of imprisonment which is or ever will be effective against men living a life of crime; namely, the substitution after, say two or three convictions, of long terms of confinement for frequent short ones, thus indirectly admitting the adoption of a system which holds out the only chance of successful treatment, whether we propose to ourselves (to quote the formula of one of our fixed theses on this occasion), as "The primary aim of punishment—to deter or to reform."

It is not within my present design to enlarge on this latter view. But as the class for whose sake I most desire the change I advocate is that of novices in crime, and those who from their life circumstances are in danger of being led into it, I do wish to dwell on the former aspect of this subject.

No one will attempt to question the ofttimes force of the proverb: "Too much familiarity breeds contempt;" and certainly this is too evidently true with regard to frequent imprisonment. What Pope says of vice is just as true of the prison.

> "Vice is a monster of such hideous mien
> As to be hated, needs but to be seen;
> But—seen too oft, familiar with her face,
> We first endure, then pity, then embrace."

Instances in confirmation might be multiplied and accumulated to satiety; but two coming under my own observation, whilst a visiting justice of the county gaol of the adjoining county of Cornwall, must suffice to prove the utter inadequacy of frequent short imprisonments to deter from offences, which subject their perpetrators to repetitions of it. Two abandoned women of Truro, sisters, were sentenced to and underwent imprisonment, and that mostly for the same kind of offence, no less than forty-six and forty-seven times respectively.

One male prisoner, under various aliases, was committed twenty-eight times, until his career was checked by a sentence of penal servitude for four years. He had before this spent seven years and two months in prisons under short sentences.

But the familiarity with prisons and prison life need not be a personal familiarity in order to be destructive of the moral dread of imprisonment. If the public mind of the poorer classes—I speak of them more especially, not as being necessarily or naturally more

criminally disposed, but because being from circumstances more exposed to the temptations that lead to crime, and also from being more numerous—they supply the larger portion of the occupants of our gaols—if, I say, the public mind of this class becomes familiarized with the idea of imprisonment as a thing of very common occurrence, it loses its hold on their imagination as something to be dreaded, as an occasion of bodily suffering, or, what is worse, it is gradually deprived of all moral dread as involving disgrace. When people see their neighbours committed to prison for the most trifling offences, or as a mere means of mechanical restraint before proved crime,—they naturally cease to regard committal as a circumstance to be much ashamed of.

Now, it is to this feeling of shame that we are to look as one of our greatest safeguards against the commencement of a life of crime. There still is among the mass, or at any rate among large numbers of our poorer classes, who are yet untainted by actual crime, and especially among those resident in the country, a deep innate sense of shame, and an instinctive shrinking from the disgrace attached to imprisonment. The misery which is frequently occasioned in a poor but respectable family, when one of their number is committed to prison, possibly for some trivial and statutable offence, involving no direct moral turpitude, is a proof of what I say, familiar to those who study the condition and feelings of the poor. There is no class on whom the maxim "Noblesse oblige" has a stronger hold than on our respectable poor. The good name of the family is a most cherished hereditary possession, and the whole family smarts when the disgrace of one deprives them even of part of it. Surely, then, it were wise to foster this feeling, if we would hope ever to raise the general tone and standard of the poorer classes in relation to crime, which would be a far more effective way of repressing, or rather diminishing crime (for we can never hope totally to repress it), than by any of the expedients proposed for correction, whether by deterring punishments, or any form even of reformatory discipline, after a course of crime is actually entered on. We hope much from such reformatory discipline. We look, and with good reason I trust, to education to raise the moral standard of the poor, and we rely most reasonably on other ameliorating and uplifting influences; but I doubt whether there is any influence so potential or so persistent as the opinion and example of a few well-principled families of their own rank of life, to raise permanently the moral tone of a neighbourhood.

Surely, then, it is most unwise to run the risk of breaking down this good influence by exposing such families to the loss of their family self-respect for an occasional fault, by inflicting, if by any means it can be avoided consistently with a due and safe administration of justice, the disgrace of incarceration on any of its members. At present, imprisonment is sometimes resorted to, in my opinion, with too great readiness, both before trial, as a means of detention, to secure the presence of the person charged with an offence on the

day of trial; and after trial, for trifling offences, and as a discharge of unpaid penalties. And especially is this the case with short imprisonments, which are supposed to be lenient, and to mark sufficiently the magisterial sense of the lightness of the offence committed, because, it may be, it is only for a few days, forgetful of the fact that such short sentences, though utterly useless either for reformation or deterrence, are long enough to brand the sufferer with the life-long stigma of "gaol-bird," and so to break down that inner fence of shame and self-respect which is intended by nature as his best barrier against a life of crime.

And, as I have already said, such cases frequently occurring, must debase the general tone of lower-class feeling with regard to imprisonment. When they see members even of respectably conducted families, and persons hitherto respectably conducted themselves, lightly condemned to it by authority, they are encouraged to think lightly of it themselves. They cannot regard as a grave evil and disgrace what is so freely and so lightly inflicted.

But if, on the other hand, the Legislature made provision, and the administrators of the law and of justice were instructed to show in practice their deep sense of the serious nature of the act of inflicting the disgrace of imprisonment by resorting to it as rarely as possible, the public mind of persons of that grade in society from whom our criminals too commonly spring, would gradually revert to a healthier tone, and become imbued with the idea that imprisonment in itself, and apart from any of its usual concomitants of hard labour, dietary, restriction, or other punishment, involves deep disgrace; and this fixed sentiment would exercise a most wholesome deterrent restraint on them whilst still in an incipient stage of crime, or in that critical border-state, when temptation is in danger of ripening into act.

Having now sufficiently insisted on the desirability of lessening the frequency of imprisonment as a matter of principle, I proceed to show briefly how this may be done in practice. We may do this, first, by resorting to it less often as a means of detention preparatory to trial.

I can merely glance, in passing, at the desirability of this, on the grounds that any unnecessary detention is an unjust interference with and infringement of the liberty of the subject, and note the fact, that thereby the innocent not unfrequently unjustly suffer. Nor can I dwell on the economical grounds, that these preliminary imprisonments entail heavy but unnecessary burdens on the taxpayer and ratepayer, in the cost of the maintenance of the accused himself, and too often of his family, who fall on the parish during his constrained absence. Nor can I stay to show how they contribute to that uncertainty in apportioning the subsequent punishment which leads to a graver evil, namely, the apparent inequality of sentences inflicted for similar offences; inasmuch as, in the mind of the judge, the length of the previous imprisonment before trial often weighs in deciding on the duration of that which is imposed after conviction,

though this fact is not apparent on the face of the reported sentence.

All this by way of parenthesis. To return. The necessity of dispensing with imprisonment as much as possible before trial is implied in our system of bail. And since the passing of 11 & 12 Vict. c. 42, sec. 23, little or nothing remains to be done, as far as the law is concerned, for the extension of the principle of bail. By the provisions of that Act, all offences, felonies, as well as misdemeanours are, I believe, bailable, except treason. All felonies, and some misdemeanours, at the discretion of the magistrate conducting the preliminary inquiry (in point of fact, murder is, of course, never bailed), and the lesser misdemeanours absolutely, without power of refusal on the part of the magistrate, if sufficient and trustworthy bail be tendered.

And yet, in spite of this, and although no doubt the acceptance of bail has greatly extended since the passing of that Act, it is not in practice adopted as often as it profitably might be. I am unable to find in any return I have consulted, the proportion of the bailable but unbailed cases to those which are bailed. But a single visit to a gaol, or a glance at an assize or sessions calendar, will prove that many more are imprisoned than bailed.

How far this fact is owing to the ignorance of the poorer classes as to the kind of offences for which bail may be taken, or to the difficulty of getting sureties on a sudden, or to other causes, I am unable to form an opinion. But to obviate difficulties in the full application of the system, it ought to be laid down for, and accepted by magistrates as a principle, that imprisonment before trial is to be the exception, and not the rule. That, in short, it is only to be resorted to when there are grounds for thinking the accused will abscond before trial, or otherwise absent himself when required.

I should very much wish to see it enacted that before committal every accused person should be formally asked by the presiding magistrate whether he would engage, if allowed to go free during the interim, to present himself at the next sessions or assizes, as the case might be, for trial. On his refusal to give this undertaking he might be committed for safe custody; but if he gave it, he should be set free till the day of trial. It will be objected to this plan that offenders could not be relied on to keep their promise.

Now, to this plausible but theoretical objection I oppose these two facts:—First, that there is no difficulty under the present system of summons, in securing the attendance of persons charged with offences at petty sessions, many of which, under the increased jurisdiction of petty sessions, are just as heavy as some that are sent to the quarter sessions and assizes.

Secondly, the fact that I have learnt from the last report of the Metropolitan Police Commission for last year, issued within these few days, that during the whole of last year, 1871, only six cases occurred of persons absconding from their bail within the metro-

politan district, and every one of these, on being brought before the magistrates, was discharged.

Now, it cannot be supposed that it is the mere fear of forfeiting a small sum of money, or even of compromising their sureties, that nduces men to surrender for trial. My own belief is that just as many would so surrender, at least of those accused of misdemeanours, now compulsorily bailable, as do now; and with regard to other offences, magistrates would still exercise their discretion. If, according to Mr. Justice Erle's rule for their guidance, they considered a conviction probable, and a heavy punishment likely to follow—to which I would add, if the accused was a man of no fixed and known abode, or known to be of migratory habits or tendencies—then committal must, as now, ensue.

But, in order to give the greatest amount of security for their attendance, I suggest that it should be enacted that the engagement undertaken should be thus conditional: First, that the person charged should be liable to immediate arrest on proof being given before a magistrate of a probable intention to abscond; and, secondly, that in default of appearances at time of trial, the accused should, *ipso facto*, also become liable to arrest; and further, to the highest penalty attached by law to his offence, if he were tried and found guilty.

No sane man would run the risk of this in preference to undergoing his trial, when there are so many chances in his favour, even if he is guilty, from the failure of evidence; the obtuseness or capriciousness of juries, or the obstinacy of even one of its members; from the defects of the law; and, even if convicted before, of the leniency of the judge.

With this security, then, an accused person might, in my judgment, be allowed to remain free during the interval between the charge and the trial, even without the additional security of sureties.

But in the graver cases, magistrates should still be at liberty to require sureties, who would keep a certain amount of watch against absconding, and give the police timely information in case of any appearance of its being contemplated.

Here I would note the necessity, where possible, of keeping the house of detention separate from the house of correction; and when this is not possible, the making a marked destination, within the boundary-walls of prisons, by a well-defined "middle wall of partition," or, at any rate, by a different colouring of the walls, doors, &c., so that both the public and the prisoners might know distinctly that there is a great difference even between confinement for security and imprisonment for punishment.

I have left myself but little time to state the two other suggestions I have to make as to the means of reducing the frequency of imprisonment after trial.

I take, first, the case of summary convictions before single magistrates or at petty sessions.

1. As to cases not giving an option between fines and imprisonment. Here I would allow a certain latitude of judgment to

ıtes as to the remission of sentences in the case of first con-
, a subject, however, which will be more laboriously discussed
y.
ı to cases where imprisonment is inflicted on the non-payment
.
ɜse cases my suggestion is this: That the period of imprison-
ɔw assigned under the Small Penalties Act (28 & 29 Vict.
shall be converted into a period for payment; that is to say,
ɜn that Act imposes an imprisonment not exceeding seven
non-payment of a penalty not exceeding 10*s.*, such period
ı days shall be allowed for the payment of the fine before
al; and so on through the scale prescribed by that Act, or
ɨher well-considered scale to be substituted for it; the
payments extending over the longer periods to be made
ar weekly instalments to the nearest policeman. In the event
ıion to pay within the allotted time, then, but not till then,
al to ensue.
ıdvantage of this would be, that friends and others would
r loans, enable the accused to pay the penalty, and so prevent
ıment; or he would himself work it out, and during the
ime of his doing so his offence and the detrimental con-
ɛs of it to himself would be kept vividly before his mind,
ıking the punishment more effective than if the fine were
at once and done with.
ast suggestion I have to make is, that in cases of first con-
at quarter sessions or assizes for offences which do not
ıy great degree of moral obliquity, or criminal habitude or
ities, and provided further that the accused produce indis-
evidence of previous good character, the record of the con-
ınd of the sentences should suffice, but with the understanding
ı a second conviction, this sentence should take effect in
to any new sentence for the new offence.
ıdoption of this rule would, as I believe, tend greatly to raise
ɜral standard of opinion, not only amongst the criminal and
iminal classes, but amongst all classes of society with regard
ɜ. It would fix the mind on the fact that the disgrace con-
ɔt in the imprisonment, not in the punishments which are its
ıot even in the conviction itself, but in the fact of having
ed the crime, the consciousness of which is doubly enforced
ɜgal conviction.
na et maxima peccantium est pœna, peccâm." The first
fest punishment of offenders is in the fact of their having
. "Nec ullum scelus . . . . impunitum est, quoniam
in scelere, supplicium est." Nor does any crime pass
hed, since the punishment of the crime is involved in the
ɜelf; *i.e.*, in the painful consciousness of the awakened con-
ɜt having committed it. Such is the doctrine of Seneca, in
ı Epistle, and such is the public standard we should aim at
ıing.

And it will help to establish such a standard if, by diminishing the frequency of imprisonment in the ways suggested, we succeed in affixing to it, in a higher degree than now exists, the idea of disgrace, thus reawakening and appealing to that sentiment of shame, whose blush is the visible voice of crime, and which is in itself the innate counterpoise of temptation, the best specific against vice, and the natural antidote to crime.

Mendicity, Repression, and Charity Organization.

By HAMILTON WHITEFORD.

IN no other country but Great Britain has a national system of compulsory rating for relief of the poor, I believe, ever been established. Our modern plan of dealing with both classes of the poor is very different from that practised by the overseers of Queen Elizabeth's day. There is now a great central authority, the Local Government Board, appointed to watch over, guide, and control the acts of every union and board of guardians in the kingdom.

A general uniformity of practice has been thus brought about, the value of which every one can appreciate. In dealing with the sick and disabled poor, borough and union guardians are allowed considerable discretionary powers. For these, out-door or house relief may be prescribed as the circumstances of each applicant render advisable. But with the able-bodied poor the case is different. For their relief minute regulations are laid down by the central board, and are enforced with considerable stringency.

For able-bodied paupers out-door relief is steadily discouraged, and with few exceptions entrance into the workhouse is made the compulsory test of their asserted poverty.

For houseless and wandering beggars are provided casual wards, where a night's rest and a morning meal have to be paid for by the performance of some prescribed piece of task-work, or prolonged unpalatable detention. For emergencies, cases of sudden sickness, and privation, provision presumedly adequate is also made by our poor laws. Parish doctors and relieving officers are authorized and directed in such cases to provide and order all that is needful. It would seem then, at first sight, that a merciful and watchful Government is now doing, directing, and seeing done in every quarter of the land all that the poor destitute can fairly ask for or require. Inside our workhouses masters and matrons, outside those cheerful buildings the relieving officers, have it in charge to see all are attended to, that every pauper is provided with food and clothing sufficient to keep body and soul together; if sick, with food and medical attendance also, and when at last defunct, with a coffin and decent burial. But, as we all know, every large town and district contains many poor strugglers, who, living habitually on the brink of destitution, yet manage somehow to keep outside the workhouse and

to dispense with official visits from relieving officers. Many there are who nurse their sorrows in secret and dream not of asking for parish relief; but, unfortunately, a far more numerous class would live only too gladly on the rates, if they might always enjoy uncontrolled liberty, and supplement the parish dole by unblushing mendicancy. Only a few years ago begging was everywhere a most lucrative business, and it continues to be so still in even greater degree wherever no organization, save that of the guardians, exists for dealing decisively with its professors. It is so much less troublesome to give than to inquire; to open one's purse, give, shut the door, and consign the applicant to oblivion, than to investigate a case, and if found deserving, obtain for it really suitable relief. Such mischiefs, however, have our undiscriminating private bounty proved to be everywhere working, especially in London, that loud cries were at length raised against it by political economists; and such careful observers as the late Mr. Edward Denison, forced the matter at last on the attention of the Poor Law Board itself. In every populous town urgent need was felt for some permanent and active organization to stand between the poor law officers and the almsgivers of private life.

Societies for the organization of charity and repression of mendicity sprung up in all parts of London and the provinces. These associations had nearly all identical objects, though some attempted to do rather more than others. The organization of local charities by direct action on their funds is a very delicate matter to handle, and nowhere, I believe, as yet has much been done to attain the objects of those who advocate it. Towards the repression of mendicancy, however, and the saving from waste of large sums of money frittered away in indiscriminate relief, much already has been done in every place where one of the new societies has been founded. The movement began but a very few years since, and there are now already more than fifty mendicity and charitable relief societies established in England alone. Most of these, possibly all, co-operate with the chief society in London, and correspond with each other to their mutual advantage. The machinery employed in every place is simple enough.

There is, first, a general committee or council, meeting once or twice a year to receive the managing committees' reports, make rules, and appoint officers, one or more working committees sitting once a week or oftener, and a charity or inquiring officer in daily attendance, on whose shoulders falls naturally nine-tenths of th society's work, and upon whose zeal and intelligence its success almost entirely depends. A conveniently placed office open daily ; a full and carefully indexed register of cases, and a relief fund—ordinarily, it is to be feared, of very insufficient amount—complete the apparatus.

The new society's first operations are directed generally against the street-beggars. Instead of money and food, these worthies should get nothing from householders and the public but inquiry

tickets, entitling the beggar to such relief only as his case deserves. If met in the same way at every door, they must come to the society's officer and have the truth of their stories investigated, or leave a town which will not bewail their retirement. But suppose a tramp brings his ticket to the office, and suffers his name and such story as he has to tell to be registered, what can the society do for him? In most cases very little. If the wayfarer is honestly in search of work, and has or can get papers to show what his past life has been, then every possible assistance should be and always is given to him. He is supplied with money to support him while seeking employment, and if work cannot be found in the district, he is helped on his way to some other more promising field of labour. But unfortunately the greater number of begging wayfarers are professional tramps, who far from inviting inquiry, take good care to expose nothing of their past doings, and travel incognito under assumed names. What to do with or for such men is no easy problem. Cut off their supplies by the ticket system, and force them to labour in tramp wards for every meal and night's lodgings, until in desperation they turn and seek honest and steady employment, that is what mendicity societies try to bring about. Idleness, however, has become in most cases so ingrained a habit, that a thoroughly reformed tramp is really a *rara avis*.

Bohemianism, the free and roving gipsy life, notwithstanding all its hardships, has irresistible charms for many. The genuine tramp would rather die than do a real day's work; and should he be induced to enter for a while on the path of reform, he leaves it only too speedily and returns to his old idle ways. He pawns his tools, spends the proceeds in drink, and then recommences his daily saunters along high roads and down streets and lanes, where, certain to meet with misjudging sympathisers, he is kept always above want, and furnished with means enough to indulge his most liquorish tastes. It is to be hoped, however, that as the new movement extends, lazy loafers will find their profession become less and less remunerative. Trying in vain town after town, met everywhere with tickets and inquiries, tramps would soon find that to live they must work, and that to obtain money something must be done to earn it. But, in the meantime, tramping has still a very wide and fruitful field for its operations. Societies for discouraging begging are not yet half so numerous as they should be, and if, for example, in Plymouth, mendicants find tickets more abundant than pennies, they have not far to go to find other well-stocked hunting grounds, districts where tickets are as yet unknown, and where neither strict-dealing committees nor inquiring officers exist to vex their righteous souls. Until mendicity societies become more generally established, reformation of the genus tramp is hardly to be hoped for, and almost all committees and their officers can do is to shift the burden of the evil by stopping beggars' supplies, and so forcing them to move on, and go seek their fortune in some less well-guarded districts. But if mendicity societies can as yet do little for the reformation of sturdy

vagrants, they can and do render the charitable public and each other most valuable assistance, by investigating and exposing the many cases of fraud which come unfortunately only too often under their notice, and in making known the wants of more deserving persons. In this way Plymouth can help London, and London Plymouth, and much waste of money is consequently prevented. In the local registers are recorded innumerable cases on the one hand of clever impostors, reckless tellers of false histories, and writers of lying letters, men and women of changing names and varying stories; and on the other of unmerited misfortune and bravely borne poverty. These registers are open to the inspection of all, but, if it is elsewhere as in Plymouth, as yet very insufficient use is made of them by the giving public.

Repressing mendicity and exposing fraud are certainly not the least valuable parts of a mendicity society's work; but if it did nothing else than discomfort beggars and expose impostors, few, save those who view pauperism with Mr. Fawcett's sternness, would continue long subscribers to its funds. As it is, many criticize the expenditure of mendicity societies with unreasonable severity, grudging the inquiry officer his salary, and regarding every penny spent otherwise than in direct relief as money misapplied and unjustly diverted from its proper channel. To satisfy objectors of this sort would clearly be impossible; but to meet the wishes of those who think relief of the deserving equal in importance to discouragement of the unworthy, mendicity societies, liberally supported, can do a very great deal. In relieving distress, however, such societies should always keep in mind that it is no part of their business to do the work of the poor law guardians, and experience soon shows them that a large proportion of the claims on their bounty can be most suitably dealt with by the guardians, and should be left to them accordingly. But whenever it is not a question of supplementing parish relief, or the society by promptly aiding can render recourse to the guardians and their relieving officers unnecessary, assistance should certainly be given. Care, too, should be had not to undertake the case of pensioners or *protégés* of any local charity, or of any church or chapel, save under exceptional circumstances, and with the fullest understanding of the applicant's position and prospects. As a rule, the society should deal only with cases of temporary distress, for the relief of which no sufficient provision has elsewhere been made. With this qualification they may help deserving persons of good character, who need assistance to pull through temporary difficulties, or who through sickness, accident, or other calamity are rendered for a time incapable of earning their livelihood. They may also, and are not unfrequently applied to help discharged prisoners leaving gaol in a destitute condition.

When, too, as often happens, poor families have become divided, and a father has left his wife and children in the society's district, and found employment in some distant town, it is well to reunite the family. The guardians, however, have no power to help them.

In such cases, if only the father has an engagement of some duration, and proves his readiness to again receive his wife and children, by contributing his utmost to their travelling and other expenses, then the funds of a mendicity society are well expended in making up the balance of what the family require, and relieving the local rates of a permanent burden. But the society should never consent to defray all the expenses; the absent parent or other relation must always be made to contribute to the fullest of his capacity. It is often difficult to get the money; but if the parties are really in earnest, it is in the end generally forthcoming. Mendicity societies should also help readily those who, when in distress, always refrain from seeking parish relief. In these days the spirit of independence and self-respect is by no means so general as it should be. Too many of the labouring classes regard the workhouse as their Chelsea Hospital, and look to the rates as to a certain provision for their old age, specially ordained by the Government to render unnecessary personal thrift and self-denial. In Mr. Fawcett's opinion, our existing poor laws so powerfully encourage improvidence, that until there is a radical change in the present method of administering rate relief, it is hopeless to expect any very general diffusion of prudence. Self-respect once overboard, our working classes have certainly few motives left for practising economy; but though with many life at best is not very merry, yet for improvidence no sufficient excuse can be offered, and a total want of prudence and self-restraint such as we too often meet with, should always be treated as a grievous infringement of social duty. It is much to be regretted that so little practical distinction is made between paupers through misconduct and paupers by misfortune. The treatment of both classes should certainly not be the same; and until some marked difference is made between them, our poor laws will continue open to reproach as alike unjust and unwise. A few words on charity organization, and I will conclude. In London, the want of organization worked such signal mischief, that in November, 1869, Mr. Goschen, the then President of the Poor Law Board, called attention to the subject in a well-known minute. The object of that minute was to condemn the fearful waste of money and general demoralization of the working classes in London, caused by the ill-considered and indiscriminate bounty, not of mere individuals, but of the managers of hundreds of well-endowed charities, not one of which knew what any of its fellows were doing.

The duties and functions of guardians and their relieving officers were clearly defined, and contrasted with those of private societies; and the urgent necessity of close co-operation between guardians and relieving officers, clergymen, ministers, and all managers of charities, was forcibly stated. What Mr. Goschen said specially of London is to a great extent true of every large town. We are all suffering everywhere from want of co-operation. We keep aloof from each other, and regard every proposal for closer working with the utmost jealousy. So long, however, as such feelings prevail

mendicity societies can only be partially successful, and their organization and useful machinery be turned but half to account. The work of the societies is kept needlessly slack, while their charity officers, once the beggars dispersed, have more time on their hands than they know what to do with. Yet all this while, if only real, sincere co-operation and mutual confidence could prevail in a town between the churches and sects, and managers of local charities and relief funds, it would probably be found that much more use might be made of the new societies' machinery than is made at present. With managing committees representing all denominations, experienced officers having all their time at disposal, surely more charitable work might be found for them to do than as yet they have been anywhere intrusted with. Of how many recipients of alms is little or nothing known to the almsgiver? How many are begging secretly here and there, living on public and private bounty, collected from the most opposite quarters? Are tramps, too, the only cheats? Have we no resident impostors, no settled traders on public and private charity? Is almsgiving only indiscriminate when applied to vagrants? I fear not; and while admitting that charity organization, in provincial towns especially, needs very careful handling, I feel convinced that until it is undertaken the work of reform which mendicity and kindred societies are designed to effect can never be properly and fully carried out.

MISCELLANEOUS.

Mr. T. B. L. Baker read a paper on "The Past and Future of our Dealing with Crime." Having noticed the improved management and treatment of our prisoners during late years, he expressed his belief that far more was to be discovered and worked out than had yet been thought of. He called attention to some of the changes which appeared to him most nearly within their reach. A prison was, at the best, but a rude and unnatural remedy, and a better one ought to be found. Police supervision would not only indirectly lower the numbers in gaol by watching and befriending and restraining men from the bad habits which lead to crime, but when judges and chairmen of sessions fully enter into its value, would directly decrease the numbers by decreasing the imprisonment portion of the heavier sentences. In all cases where formerly sentences of one or two years were passed, six months and seven years' supervision might now be given with good effect, and it must be remembered that the supervision was an elastic, self-adjusting measure. To those who would live honestly and obey the light and easy rules enjoined, it almost amounted to no punishment at all; but if at any time the supervizee fell into irregular or reckless habits, such as were usually the precursors of crime, it pressed him more or less severely, as might be required, and at any rate interposed

considerable difficulties to his return to gaol. He had little doubt it would ere long become a recognised principle to award to a very slight second offence some such sentence as one month's imprisonment and seven years' supervision, giving, in short, a minimum of the costly, unnatural, and deteriorating punishment, but the full amount of that peculiar restraint which would only be felt when the safety of the man required it. But it was still more to the system of cumulative sentences that he looked for a diminution of the average number in gaols. Few people, who have not calculated a number of cases, had any idea how greatly such a system would reduce the number contained in our ordinary prisons. For his own part, he felt no doubt that it would have yet a stronger effect in decreasing crime, but even if the crime were to remain the same, the numbers kept expensively and unprofitably in prison would be reduced to a degree which few would suppose. He must allow at the same time that such a change would, if crime continued in its present amount, make a large increase of the numbers in penal servitude. In the first place, however, he thought they might fairly estimate that crime would not under such a system retain its present amount. The effect of the reformatory system was not only to decrease the total number of offences of the class affected by it by 42 per cent., but to decrease the numbers of the often convicted, and therefore more dangerous offenders, by at least 90 per cent. If the present measure of cumulative sentences should produce any approach to such an effect, the numbers in penal servitude would be greatly diminished, without any change in their present system. He fully trusted ere long a great change might be perhaps gradually made, by greatly shortening the portion of the sentence which was spent on public works, and greatly increasing the portion spent on licences. The experiment was made many years ago of allowing a remission on licence to our reformatories, at the end of half the sentence. That was found to work so well, that he could not but hope that experiments of the same kind might be cautiously and gradually introduced (for though he had no doubt whatever in his own mind of their success, he would always wish experiments to be cautiously and gradually made); and now that we possessed a really sound system of supervision for those on licence, the unnatural, the costly, and the deteriorating portion of the sentence might be greatly reduced; and the simple, natural protective guardianship—which costs nothing to the State, which allowed a man to maintain himself and his family, and to recover his character by slow but sure degrees, and which afforded the best preparation for absolute and entire freedom—should be greatly increased.

Mr. Edward Vivian, of Torquay, read a paper "On Trade Prisons." He advocated the extension, for short-term convictions, of the system adopted with such good results in penal servitude. The principal objection to this was the small number and varying trades of prisoners in each of the county gaols. This might be remedied

by classification, if groups were formed. Cornwall, Devon, Dorset, and Somerset with Dartmoor, and public works for agricultural labourers and masons, would thus accommodate all the criminal tailors, shoemakers, and mechanics; mat-making and oakum picking being retained for nondescripts. He had no fear of such feeble competition having any injurious effects in a nation which had adopted free trade. On the contrary, political economy taught that the cost of every prisoner maintained in idleness by the county rates was a deduction from the wage fund, which inevitably threw a free labourer out of employment. He believed, also, that the reformatory effects of industrial labour far surpassed that of pain and disgrace; compulsory idleness soon became a habit, and was felt as a penalty only by the industrious.

A paper by Mrs. MEREDITH, "On the Substitution of Compulsory Labour for Imprisonment in the Case of Female Offenders," was read. It was contended that compulsory labour might well be substituted for imprisonment in the case of misdemeanour by women. Women who committed these crimes had neither weakness of body nor mind, and need not be dealt with as such, for they had the peculiar power of committing crime, and therefore required peculiar restraint. Many women, instead of being sent to prison, should be compelled to perform a certain round of duties, and made not only to do sufficient work to keep themselves, but also earn—in spite of themselves—something for their families, instead of doing their part to keep up a great public establishment. The way would be to sentence offenders to attend daily at employment provided at a certain place in a district; of course, the attendance would be regulated by the circumstances of the woman and the nature of her case. The management of this place should be put in the hands of volunteers, the same as were reformatories. Such employment would check the unruly, would teach women home duties, and do much to keep families together.

Mr. A. H. A. HAMILTON read a paper on "The Devon and Exeter Reformatories and Industrial Schools." The boys' reformatory at Bramford was opened in 1855, and had been carried on continuously by one master. The number of inmates was thirty, and they were almost entirely employed at farm work. About 70 per cent. of those discharged were found to do well in after life; about 16 per cent. were again convicted, and the remainder were lost sight of. The Devon and Exeter Female Reformatory was established in 1858, and was capable of containing about 70 inmates, though the average number did not exceed 50. It was intended to be carried on in conjunction with a refuge for discharged female prisoners, but the design was not found convenient in practice. About three-fourths of the girls admitted had been deprived of both parents by death, desertion, or imprisonment; 10 per cent. could neither read nor write when they were brought to the school; 38 could do so imperfectly,

and 22 per cent. could read and write pretty well. About 67 per cent. of those discharged were doing well; 11 per cent. had been reconvicted, and the remainder were not traced. The Devon and Exeter Boys' Industrial School was established in 1863, in a low part of the city of Exeter, but was afterwards removed to more commodious premises at Exminster. It is capable of containing 70 boys, but the average number is 55. They are chiefly employed in market gardening. About 75 per cent. of those who have passed through the school were doing well, and only 6 per cent. had been convicted of crime. Adverting to the question whether reformatory and industrial schools should be transferred from the Home Office to the Education Department, he said that the unanimous opinion of the managers of these schools in the county of Devon was that they should remain under the Home Office, and that the law relating to them had been exceedingly well administered. He expressed an opinion that the size of these schools was best limited to the number of about 50 inmates, and adverted to the qualifications required in a master. With regard to the disposal of boys, the army and navy might be more open to them than at present, and military schools might be established, corresponding to the training ships which already exist. The merchant service was the best opening at present.

Mr. R. Reynolds Fox read a paper "On the Best Means of Suppressing the Low, Cheap Literature of the Day." The writer said that our publications may, generally speaking, be divided into two distinct classes; that on the one hand, the promoters whereof are merely actuated by an unprincipled trade spirit, and who pander to the lower instincts of natures which they have helped to deprave; and, on the other hand, that class of literature, the aim of whose promoters is decided by not merely mercenary, but moral and educational considerations. The first class depends for its success on coarse and sensational press-matter, and equally objectionable illustrations, the object of which was to gild over vice, and present it in attractive and most dangerous colours to the young of both sexes, on whose minds it often exercised the most disastrous influences. It was true there was the law to meet indecency, but it was unfortunately most difficult of application. He mentioned several of these specimens, and contrasted with them works of a healthy moral tone which circulated largely among the working classes, and which did much to counteract the influence of the low literature which was so objectionable. Having spoken of restrictive legal measures, he thought that a great deal more may be done to hinder the spread of the noxious influence of the low-class publications by means of active and positive measures for the circulation of a better description of cheap popular periodical literature.

Captain Brudenell Rogers (Bengal Staff Corps) read a lengthened paper on "Industrial Labour in Establishments for Criminals in India." After dwelling on the large and varied class of criminals

to be dealt with in India, he pointed out that if caste was interfered with by gaol officials or the regulations, criminals had the sympathy of their co-religionists outside, and the criminal was considered to have been more sinned against than sinning, and he became a hero on his release. A purely reformatory system would in this state of society be futile; but the judicious administration of a reformatory system, carried out in a manner that made it act as a deterrent as regards checking crime, was what was required. A body of general rules must be worked practically by modifications for each criminal. He proposed the following classified division of labour—first stage being rigorous imprisonment of 1-5th sentence, subdivided into three grades:—1st. 1-15th treadmill, or equivalent labour, in a cellular prison with irons, penal diet daily, Sundays excepted. 2nd. 1-15th treadmill, or equivalent labour, in a cellular prison with light irons, penal diet four days in the week. 3rd. 1-15th treadmill, or equivalent labour, in a cellular prison, with light irons, penal diet two days in the week. Second, or intermediate stage, 2-5ths of sentence subdivided into three grades:—1st. 2-15ths hard labour at selected trades, light irons, working two hours during recreation, at reformatory (optional). 2nd. 2-15ths hard labour, selected trade without irons, working two hours daily at a reformatory (optional). 3rd. 2-15ths hard labour at selected trade, improved diet two days in the week, working two hours daily at reformatory during recreation hours (optional). Third intermediate reformatory stage.—One-fifth of sentence—Light labour and improved diet daily, sixpence per week pocket money, working at reformatory three hours per day and two hours during recreation (optional). Fourth stage.—Surveillance. One-fifth of sentence, subdivided into three grades. 1st. 1-15th residing in reformatory village allowed to be at large daily for two hours, viz., from 12 to 2, being paid for their labour at market rates, clothing and feeding themselves, and paying 1-10th of their wages for rent of quarters. The blood relations of the wandering tribes being allowed to live with their friends, subject to the same regulations as they are, paying no rent if they reside in the same house, and to be found work in the reformatory. 2nd. 1-15th same as above, but allowed to be at large from 5·30 to 7 a.m., and 12 to 2 p.m. 3rd. 1-15th same as above, but allowed to be at large during Sundays all day, and on week days 5·30 to 7 a.m., 12 to 2, and 6 to 8 p.m. By working daily at the reformatory during recreation, for even two hours per day for the three-fifths of the sentence, ten hours being allowed to count as one day, to be passed in a higher grade, one-fifth of this period is passed under decreased restraint as the result of industry. Discharged criminals should also work at the reformatory after their discharge, if they wished it, so long as the same could be with advantage conveniently arranged for. Their minds would become more healthy every day they were there, and their own earnings over and above expenses going to them they could be entirely self-supported. Surveillance should be the greatest preventive of

crime. In passing sentence, the judges should have the power to increase or decrease the fractions to be passed in each stage. Captain Rogers then alluded to the existence of an establishment in which he once held four charges. 1. A first-class central gaol, in which were confined criminals of all denominations for local crime. 2. A depot of Thug and Dacoit approvers from all parts of India, *i.e.*, criminals of those classes who (murderers and highwaymen) were allowed to live under partial restraint on account of assistance rendered to the State by furnishing information, materially aiding the arrest and conviction of offenders of their respective classes. 3. A village where the families and progeny of those offenders resided, who had to submit to restraint, although their residing there was optional. 4. The school of industry, where the inmates of the last two worked. This institution was self-supporting, and furnished a considerable yearly profit in the matter of pounds, shillings, and pence; but its greatest value consisted in the experience realized from its existence, which proved, first, the desirability of a system of approvers, treated as they then were; and, secondly, that the wandering tribes of India, and other habitual criminals, when properly disposed of, are easily made good citizens, working willingly to support their own wants, and thus contribute to the wants of others, instead of preying on them.

In support of this he mentioned the following:—When the Dacoit agency in Lower Bengal was abolished, the Dacoit approvers, who had thus been placed under the surveillance of the police, were convicted of committing four cases of Dacoity. In 1866, 27,706*l.* were plundered by Dacoits, and only 4843*l.* recovered. Ninety-five persons were killed, and 463 wounded. This was the result of 3207 cases of Dacoity, in which 5941 persons were convicted.

Now, taking the number of Dacoits and Thugs, and their progeny, that could be accommodated at Jubbulpoor, as it now stands, at 2500—about 2000 reside there at present—if these individuals had been at large, taking, for the sake of example, the above statistics of crime as a criterion, without reference to minute details or argument, *pro* or *con*, we may justly conclude that there would have been an additional loss of about 40 persons killed, 194 wounded, and 31,537*l.* stolen, besides the enormous tax that would have fallen on a great number of persons, consequent on their attendance at the police and other courts, to give evidence, &c., in the different cases. This latter point is not generally considered when calculating the tax that criminals are on society; but, nevertheless, it is a heavy tax. And further, having to give evidence is a source of considerable anxiety and annoyance.

In Indian gaols and reformatories, metals, wood, stone, and all new produce could be worked up to perfection. He had before now suggested that prisons in India should be used as a means wherewith to connect the scientific men of all denominations in that country and Europe. At present, papers affecting the art, science, and agriculture of Europe, were not available in the languages of

India, and information was not published in the English language showing the results of Indian experience in connection with these subjects as carried on by the natives according to their Oriental ideas. The former were of vital importance as regarded the improvement of the natives, and the latter of inestimable value to Europeans generally, especially Government officers and private speculators. In Indian establishments for criminals, having the command of three classes of labour—forced, semi-forced, and voluntary—truthful deductions could be secured. Thus employing the criminal for the general good of the State was second to no advantage obtainable from gaols, when it could be achieved without interfering with deterrent or reformatory requirements. It tends to improve the degraded minds of the convicts, and does not interfere with the administration of justice, and resolves itself into a source from which honest men can profit by the experience obtained from gaol labour; the non-record of this experience is a loss of the most needful information that can be desired, as showing how to deal with national peculiarities. Each gaol should have three or four manufactories or works to which it should confine its attention, and the superintendent be looked up to as an authority on those points. Those works should be regulated by the local wants of the resources of the district, which it is expedient to develop by the natural talent of the inhabitants, which should be improved. Convicts should be classified according to crime and education, and during labour hours employed at arts, science, and agriculture to the extent that their previous knowledge, ability, and calling permits.

EDUCATION DEPARTMENT.

PRIMARY INSTRUCTION.

Why are the Results of our Primary Instruction so Unsatisfactory? *By* JOSEPH PAYNE.

NO one of the questions brought before the Congress for discussion is on the whole so important as this. It is to little purpose that we devise remedies for the evils of society, or lay the foundations of social science if the great mass of the population who are so deeply affected by these evils, so much interested in the principles of this science, are through want of knowledge or culture unable to sympathise and co-operate with the movements intended for their good. In proportion as we promote intellectual culture, we directly promote the objects of the Social Science Association; and in proportion as we aid in diffusing that culture amongst the poorer classes of society, we indirectly promote those objects. It is therefore a point of great importance, and one in which we are all deeply interested, to ascertain whether we are really securing for these classes that culture which alone deserves the name of national education, or whether we are for the most part labouring in vain.

I have no intention, however, to set up an ideal standard of education, and to test our actual system by a comparison with it. Such an attempt would only lead us away from my purpose; but if pursued, it would land us in the inevitable conclusion that we have yet to learn the first elements of that science which professes to open blind eyes, to unstop deaf ears, to make the lame walk, to "create" as it were "a soul under the ribs of death." These miracles of the quickening science of education are apparently not even dreamed of by the head directors of our primary education, whose ignominious theory is realized if children can be brought, however mechanically, to read, write, and work practice sums. The question, what education for a "child of the people" in England is, is marvellously simplified, though at the same time infinitely degraded, by the discovery that it accomplishes all that is demanded of it, if the

results I have just stated are gained, no matter how. Instead, therefore, of inquiring theoretically what ought to constitute the primary education of an "embryo citizen," and confronting our system with it, all we have just now to ascertain is, whether these poor results are actually secured.

From this investigation I shall allow myself to be diverted for only one moment.

As the raw material, "child," may be regarded for all practical purposes as a "constant quantity," one is tempted to inquire whether more is made of it in other countries than in England. The answer, though for want of time necessarily brief, is very significant. It is that in every other country in Europe, where there is any system of national education, the children dismissed from school at the end of their course are far better prepared for the duties of life than here. The theory of instruction is more enlightened, the curriculum is larger, the teaching is better, the results are incomparably superior. The proofs of this assertion are abundant, but as they are complicated with questions of school age, length of school course, compulsory attendance, &c., I cannot enter into them. I merely state the fact as one which can be doubted only by those who have not investigated the subject. Nor is this general statement vitiated by showing that here and there, under superior teachers, results are exceptionally produced in England equal to the normal results of the German, Swiss, Dutch, and Swedish systems. It still remains true, that what is the rule in these countries, is the exception in England.

The question, however, still returns, *why* are the results of our primary instruction so unsatisfactory? and it must be discussed on its own merits, and confined to this issue, Why do we fail so egregiously in our attempt to accomplish so little?

As some of my audience may question the involved proposition that the results of our primary instruction are unsatisfactory, we must look a little into the facts.

It will be remembered that the Commission on Popular Education, which issued its report in 1862, pronounced a deliberate opinion, that about three-fourths of the children then in the schools were receiving no education that was worthy of the name, and that this result was greatly due to the fact that the teachers gave the chief part of their attention to the elder children, by pressing them forward in various subjects which made a show before the inspectors, while the bulk of the scholars were proportionally neglected, and never obtained even the barest elements of instruction. They therefore suggested that the system of inspection which had hitherto prevailed, and under which schools had been pronounced "good," and "excellent," because a small minority of the scholars evinced creditable improvement even when the great mass of them were doing next to nothing, should be superseded by a system of individual examination, which was to take account of the condition of the entire school, and minutely ascertain what was really effected in the case of each scholar. Taking, moreover, into

consideration the ages of the children actually in the schools, and estimating the complete school course at six years (from six to twelve)—a limit, as we shall see, too large to suit the facts of the case—they suggested that certain standards of instruction should be set up which the children were to pass in accordance with their advancement in age, and that the proposed examination should be so conducted as to take into account the accordance between advancement in age and advancement in knowledge. These suggestions were afterwards embodied in the famous Revised Code.

I do not propose here to criticize the absolute merits or demerits of this code, more especially as the modification of it, which has now replaced the original form, has yet to be put to the test. My immediate business is to endeavour to ascertain how far the Revised Code, on a trial of ten years, has proved effectual as a system for securing to children of between six and twelve years of age a good elementary knowledge of reading, writing, and arithmetic. This is the avowed object of the Revised Code; if these results are secured it is a success, if they are not it is a failure.

In order to make the statistics * which follow intelligible, it may be necessary to explain that the rules of the Revised Code require that all the children present on the day of examination (with the exception of those under six years of age) shall be individually examined. It appears, however, that this requirement is by no means fulfilled. In the first place, a deduction is made from the total of all those who have not attended 200 times in the year preceding the examination. Such defaulters are not examined, because they could not earn the grants allowed for specified attendance. This is intelligible enough, but a second deduction is permitted, which is distinctly contrary to the rules of the Education Department. The school managers and masters take upon themselves to withhold from the examination those children whose passing is more than doubtful; and the inspectors very generally acquiesce in this irregularity. Thus, for instance, in 1866, there were present at the examination about one and a quarter million of children (I give only round numbers); of these about a quarter of a million, being under six years of age, were not required to be examined. We therefore have one million, as we might suppose, left for examination. But we are next to deduct 196,000 who are not qualified by sufficient attendance; this leaves 803,000 qualified both by age and attendance for examination. To our surprise, however, we find only 664,000 actually presented for examination; the difference, 139,000, denoting the number withheld from examination, because there was no chance of their passing; these, therefore, must be reckoned as if they had failed under examination, and must be added to the number (231,000) who actually failed to satisfy the examiners. It is moreover a fair presumption, considering all the circumstances, that the 196,000 who attended irregularly would have failed also; and if this presumption be allowed, we have 566,000 out of the

* *See* Appendix at end of volume.

million above six years of age unable to pass the six standards in the schools of Great Britain in 1866. Yet, to show the fallacy of figures, we find the tables of the report representing that 90 per cent. of those examined passed in reading, 84 per cent. in writing, and 73 per cent. in arithmetic, giving an average of 82 per cent. on the whole, whereas the true condition of the school in respect to these subjects would be more accurately represented by halving this percentage; not more than about 43 per cent. of the whole number present above six years of age having satisfied the examiners. When, therefore, we talk boastfully of a million of children above six years of age being present at the inspection, and in the next breath of 82 per cent. passing in reading, writing, and arithmetic, it should be carefully noted that these assertions, although individually strictly correct, have no logical connection with each other, and actually misrepresent the case; the fact being that not many more than half the total number were examined at all; that of these one-third failed to satisfy the examiners; and that if the million present had all been examined, more than half would have failed.

But another important explanation is necessary. According to the arrangements of the Revised Code, the examinees should be presented for examination according to the ages respectively corresponding to the six standards of instruction, *i.e.*, the children of seven years of age ought to be presented for examination in the first standard, those of eight in the second, those of ten in the fourth, and so on. In practice, however, this rule is neglected; about one half of the children over ten years of age, who ought by rule to be presented in Standards 4, 5, 6 being actually examined in Standards 1, 2, 3.

From these data we get the following results, in which, though the numbers differ from year to year, yet the ratio is as nearly as possible the same: 1st. That of the total numbrer of children above six years old in the schools more than half may be reckoned as incapable of passing any of the standards. 2ndly. That those who pass the examination in the standards, taken altogether, are scarcely more than half of those qualified by age and attendances to do so, are only two-thirds of those actually examined, and only about 43 per cent. of the whole number of children above six years of age present. (We notice, in passing, that these results are even superior to those of the last examination in 1871, when only 497,101 out of 1,207,431 children over six—that is about 41 per cent.—passed the examination.) 3rdly. That of the children above ten years of age, constituting about one-third of the total number above six, nearly one half who ought to have been examined in the three higher standards, were really examined in the three lower ones; these actually amounted to 121,987, and as they were wrongly placed according to their ages, they ought, in consistency with the rules of the examination, all to be reckoned among the failures; we therefore deduct those of them who passed (83,661) from the tabular number of successes (thus reducing 432,486 to 349,135), and add them to the 367,514 failures; making a grand total of 651,175 (about 65 per cent.

of the million), who, as being above six years of age, if strictly examined according to their ages under the proper standards, may be reckoned as really unable to pass, that is, one-third only were able and two-thirds were unable.

It appears, then, that looking wherever we please at the total mass of children above six years of age in our schools, only one-third are able to read, write, and cipher decently well according to their several ages, and that two-thirds are in a deplorable state of ignorance and unenlightenment.

If, moreover, we confine our attention to the children above ten years of age—the age which in the case of the great majority forms the limit of school life—we find that about one-third of them are unable to pass beyond Standard 3, which requires moderate reading in an elementary book, and short division sums. This, then, constitutes the "finished education" of about one-half of the children above ten years of age. If we inquire further into the fate of the other half of these older scholars, we find that they pass Standards 4, 5, and 6, in about the same proportion as the others; but comparing the number of those who finally pass these standards with the whole number who, being above ten, ought to have passed them, we have this result, that one-third can, and two-thirds cannot, pass Standards 4, 5, and 6; that is, in short, that 66 out of every 100 of the children leaving school for the business of life are unable to read a paragraph from an ordinary book or newspaper, to write correctly a similar paragraph when dictated, or work sums in the compound rules, practice, or bills of parcels. This is the final achievement of the Revised Code system as regards the mass of the children leaving school at ten or eleven years of age.

This, however, is not all. The final object of the whole scheme is to get all who leave school to pass Standard 6. Let us see how many do. The total number of those who reach the winning-post is $\frac{1}{2}\frac{5}{0}\frac{8}{4}\frac{6}{2}\frac{7}{3}\frac{}{1}$ (= about $\frac{1}{16}$th) that is to say, one in sixteen of those who being over ten years of age are about to leave school pass in Standard 6, while the other fifteen fail to do so.

Lastly, comparing this select body who alone achieve the humble results contemplated for all, with the whole number over six years of age present in the schools, we find that it amounts to $\frac{1}{63}$rd of the total, that is, that only one child in sixty-three is able to read and write moderately well, and do practice sums or bills of parcels, and we conclude therefore by the law of averages, that if two such children are found in any one school, there must be another school somewhere in which only one such child in 126 can be found, and so on in the same proportion.

It is only fair to say that these results have been carefully commented on and complained of in the successive reports of the Committee of Council on Education for the last ten years. The following extract is from that of 1861-62. "It may be generally assumed that each child who in the tenth, eleventh, and twelfth year cannot pass in Standards 4, 5, 6, will never possess even those humble attain-

ments which those standards denote; and that so far as the secular instruction goes in the school, all that is paid on his account has done little or nothing to better him in life." Again, in the report for 1863-4, we have these remarks: "Of the children above ten years of age presented for examination, 39 per cent. ought according to age to have been able to pass Standard 6; as matter of fact, however, the proportion of such children presented above Standard 4 was only 14 per cent. of the whole number presented; and the proportion of them which passed without failure, in reading, writing, and arithmetic, above Standard 3, was only 10 per cent. of the whole number presented. In other words, the aggregate number of children who passed in Standards 4, 5, and 6, is little more than one-fourth of those who ought to have been able to pass Standard 6." The remaining reports are to the same purpose.

This, then, is the final result of the working of 15,000 schools, conducted by 26,000 teachers, at a cost of about one million a year. All this stupendous machinery is contrived and kept in motion to send out into the world annually about 16,000 children with the ability to read, write, and cipher moderately well; and at least 80,000 furnished with little or nothing "which may better them in life."

I have now presented to you a case which is logically complete, and cannot, I venture to say, be successfully assailed in any one respect. It is, however, the result of a quantitative analysis only; if we were also to submit it to a qualitative analysis so as to estimate the kind of instruction which has been generally gained, its value as enlightenment and power, the result would prove still more unsatisfactory. This aspect of the subject will be more minutely examined presently.

I have omitted to take note of the modicum of instruction in "higher subjects," which adds something to the general amount of instruction; 1st, because it is really very inconsiderable; and 2ndly, because, strictly speaking, it is not a necessary part of the scheme of the Revised Code. There is no doubt that where these subjects have been introduced the teaching of them has tended to improve the mental condition of the scholars; but as scarcely any notice of this teaching occurs in the reports of the Committee on Education, and the results are not tabulated, I am justified in leaving them out of consideration altogether. The Revised Code does not contain the words "intellectual training" and "enlightenment" at all, and therefore cannot be accredited with any results incidentally gained by a departure from its spirit.

It appears, then, that the system which was charged with neglecting the elementary subjects was superseded about ten years ago by one which virtually cares for nothing else; but that the failure in teaching them is just as great as it ever was, not to say greater. All the problems which in various ages have taxed the ingenuity of man, seem to be mere trifles in comparison with that of teaching children to read, write, and cipher; nor can this problem be solved by that

addition to the number of the scholars, or to the length of the school course, on which some rely for producing higher and nobler results. The system remaining the same, the larger numbers will only increase the difficulty. More schools, more machinery, compulsory attendance, extension of the school course, fresh manipulations of the standards, new codes, may all be tried as tentative measures, but they will all fail to raise in any appreciable degree the character of our primary instruction. The reform needed must be of a totally different kind. Having made out the proposition with which I commenced, that the results in question are unsatisfactory, I now proceed to inquire why they are so.

Various causes have of course been assigned for the results which we deplore. I have no time even to enumerate them all, much less to discuss them in full. There are, however, three in particular which demand our close attention. These are—(1) the average attendance of the scholars; (2) the quality of the teaching, and the methods employed; and (3) the conception formed at head-quarters respecting the nature, aims, and power of education. As regards the first point, it has been maintained that the cause of failure lies chiefly in the irregular attendance of the scholars. As, however, a certain quantity of attendance is an indispensable qualification for examination, it is obvious that this plea does not meet the case, unless it can be proved that the minimum attendance per annum is insufficient for the purpose in view. Now it is regulated that no child shall be examined at all who has not attended at least 200 times, morning or afternoon, in the year preceding the examination. The maximum attendance—taking the school year at 46 weeks of five days each, and the day's work at five hours—involves 1150 hours of instruction annually, while the minimum attendance, by the same calculation, involves 500 hours of instruction. If we strike a mean between the maximum and minimum, we get an average of 825 hours of schooling for all the children, from which, if we deduct three hours per week for religious teaching, we have 687 hours annually devoted by each child to secular knowledge, *i.e.* virtually to reading, writing, and arithmetic, that is 687 hours for advancing from one standard to another; or, assuming four years as the length of the school course, 2748 hours for the mastering of the first four standards by all the children. We have seen, however, that only about one-third (83,361) of the scholars over ten years of age, presented for examination (264,231), after spending 2748 hours in learning to read, write, and cipher, satisfied the contemptible demands of Standards 1, 2, and 3. It is then quite impossible to admit that irregularity of attendance, which at worst allows so large a portion of time as 2748 hours for instruction, can be the true cause of the failure. On this point I quote a sentence from the Report of the Commission of 1860: "Even under the present conditions of school age and attendance, it would be possible for a child who attended 100 days and upwards to learn to read and write without conscious difficulty, and perform such arithmetical operations as occur in the ordinary business of life" (p. 174).

This "possible" achievement is, however, very generally not secured.

We next proceed to consider whether the quality of the teaching is the cause which we are looking for; and I hesitate not to declare my own conviction that, taken in connection with the idea of education entertained by the Committee of Council, it is the full and sufficient cause of our breakdown in primary instruction. No other cause that can be adduced is sufficient to account for the failure.

Let us imagine that the Education Department, holding in its hands the purse of the nation, and being therefore master of the springs of educational action, either openly avows or virtually assumes the theory that education consists essentially of reading, writing, and arithmetic, and that if, while partially and indirectly encouraging other subjects of instruction, it encourages them only as subordinate means to the end; and we clearly see that this assumption governs the entire system, and that the masters and mistresses naturally conform their teaching to it.

Suppose further, that the Education Department, consistently with its theory, regards the quantity rather than the quality of the results, and that the teachers naturally follow the lead thus given them, then it is obvious that quantity not quality is the essence of the scheme, and that the whole system resolves itself into a vast mechanical agency for gaining a mechanical end. We are prepared then to find that mechanical, as distinguished from intelligent and sympathetic teaching, pervades to an enormous extent the primary schools. To cite the evidence for this assertion would be simply to transcribe the Reports of nearly all the inspectors, who, however they may differ on other points, are all but unanimous on this. When they meet with exceptions, they point them out as surprising. Such exceptions are of course surprising, because they are instances in which the individual teacher distinctly violates the spirit of the system. He rebels, in fact, against the authorities, and would certainly suffer for his rashness were it not that his happy audacity—his deviation from the rule—generally secures, as the inspectors point out, in a more abundant measure, the object of the rule.

Looking, then, at the Revised Code of instruction, we need have no hesitation in pronouncing it to be mechanical in conception, mechanical in means, mechanical in results. All its features are naturally co-ordinated together: given one of them, the rest follow. The results which we have seen could not in the nature of things be other than they are. They are the legitimate products of a system which assumes the name without possessing the spirit of true education. Nowhere have I ever met, in the course of long practice and study of teaching, with a more striking illustration of the great truth, that just in proportion as you substitute mechanical routine, drill, and cram, for intelligent and sympathetic development of the child's powers, you shall fail in the very object you are aiming at. Making quantity not quality the test of your results, you shall fail in securing either quantity or quality. The experiment which has now been tried for

ten years in England ought henceforth to take a place in the annals of education as an example to deter.

I have referred to the evidence of the inspectors on this matter—intelligent teaching. One of the most frequent subjects of remark and blame is the quality of the Reading, even after they have assigned a large percentage to the classes on this subject. "No trained perception of the form of words, no knowledge of their meaning, no modulation, no expression, no power in the child to help himself." This is the general tone of their strictures. A typical specimen of these complaints, but an exceptional specimen of appreciation of the cause, is seen in the able Report of Mr. Jolly in 1870. "The most fertile cause," he writes, "of failure in reading, especially in the lower standards, is the not training a child to discover words for himself. In such cases, when a word is not known, it is simply told by the teacher [continual telling is of the essence of bad teaching], or called out from below by a fellow-scholar, who gets up for the help, and then mechanically repeated by the child, and this repetition is often omitted. Too often, also, by this method is the 'Short Primer' got up by rote [cramming is of the essence of bad teaching]; and this is all the more likely if it is one of those handfuls of leaves specially prepared for pegging up standard work, which any cross reading or pointing to individual words at once exposes. With this style of reading, an unknown word is a complete block-up, at which the child stands and gazes, waiting till it is called out from below, or told by the teacher." Mr. Jolly then proceeds, and I endorse every word he says: "The only effective teaching of reading is that which enables a child to overcome his difficulties himself, puts him in possession of a power at once to attack and discover an unknown word. Methods are various, but this power in the child should be the result; yet it has astonished me to find how little this is done. In pointing this out, I have often been met with the objection, even when the want of this power was the only cause of failure, that the plan consumed too much time. Six words, so self-discovered, will give the child more reading power than six weeks of repetition. A difficulty a real educator does not lift a child over, but values as a means of giving him new power." These remarks discover a true insight into the nature of teaching. I wish I could quote Mr. Jolly's equally valuable suggestions on the teaching of arithmetic; and indeed if wishing were likely to do any good, I should wish that Mr. Jolly could be multiplied by 26,000, and appointed to teach all the masters of all the schools of England how to teach. In two years' time we should get results that would indeed be worth "paying for."

The fair, unexaggerated estimate, then, that we form of the general character of the teaching from the inspectors' reports is that telling, cramming, and mechanical drill are its most prominent features, and take the place of the art of teaching, truly so called. We conclude then that schoolmasters and mistresses considered as educators are few in our primary schools.

An educator is a man who, having studied the nature of the

mind, and learned by practice some of the means by which that nature may be influenced, applies the resources of his art to the child-nature before him. He knows that in this nature there are stored up reservoirs of force, moral and intellectual, on the development and exercise of which the child's well-being depends. He therefore draws them forth by repeated acts; trains them into faculty; exercises them in order to strengthen them, and continually aims at making all that he does, all that he gets his pupil to do, minister to the consciousness of growth and power in the child's mind. I cannot complete the sketch, but if I have given the slightest idea of what true education—good teaching—really is, I have a right, in view of the "results" to which I have so often referred, to deny that education is responsible for them. They are the lawful products of cramming, drilling, and stupefying the mind, of what might be correctly called anti-education, which produces habits of idleness, distaste for learning, incapacity for mental exertion, blurred conceptions, obtuseness; but true education disowns such results as these.

We can come then to no other conclusion than this, that it is the quality of the teaching, its inartistic and unscientific character, its want of adaptation to the nature of the children, its want of interest, that is the true cause of the failure in results; the quality of the teaching must bear the brunt of the indictment.

But a very important question now comes to be considered. Who are the teachers who seem working to so little purpose, whose practice, indeed, seems rather to show how not to do it, than how to do it; who, if they know the art of education, seem to keep their knowledge so carefully in abeyance? The answer is that they are the certificated masters and mistresses, whose wonderful capabilities and success are, in the House of Commons and elsewhere, triumphantly proclaimed,* and for whose professional training in training colleges and schools the most elaborate arrangements are made. I would gladly join in the chorus of praise if I could see that it was deserved; but speaking in the interests of education itself I cannot. Of course, there are noble exceptions, but such instances must be distinctly recognised as exceptions whose brightness only renders the surrounding darkness more palpable.

These teachers generally certificated, that is, declared competent to teach, show their real incompetence by the results of their work. By their fruits we know them. But who are their teachers, who prepare them for their profession? who give them their certificates of competence? The training colleges. These are the manufactories for the making of teachers, and I do not see how they can escape from the predicament in which I have placed them. The results of the instruction given in the schools condemn the quality of the teaching; the quality of the teaching condemns the system by which the teachers are themselves taught.

* "A body of men, to whom the public is indebted for the position which England has attained in respect to education." (!)—Mr. Whitwell, *Times'* report.

A full discussion at this time of the real value of the system of training and instruction pursued at the training colleges is beyond my power. An opportunity for doing justice to it may be found hereafter. After charging that system, however, with a large part of the responsibility for the failure we have been considering, I must briefly treat the subject.

I do not for one moment call in question the intelligence, culture, zeal, and sincerity of the authorities of the training colleges, nor the suitability of much of the instruction given in them to the end in view. The arrangements made for testing the knowledge of candidates for admission, the questions put at the yearly examinations of the inspectors, point to a high standard of attainments. If the pupils answer these questions well, and they often do, they must have worked hard. They go to the model schools to see what is doing by experienced and successful teachers; they go to the practising schools to conduct lessons themselves and have them criticized. They learn what is called "school management," how to keep registers and time tables, &c. All this looks well enough. I am not going to animadvert upon it; but having my mind painfully haunted by the "results" so often referred to, I cannot help wondering how the subjects of instruction are learnt and taught in these colleges. Is it possible that the mechanical jog-trot drill and cram, which undoubtedly forms the staple of instruction in the primary schools, can be an imitation of any routine in which the teachers themselves are initiated? Without insisting on this as a fact, one is tempted to doubt, at least, whether the teachers in their noviciate have been sufficiently guarded against it, and whether they have been told explicitly that even if mechanical drill is necessary for them who have so much to learn in a short time (though this argument is bad), it is fatal to success in educating, *i.e.*, developing and training the tender minds of children.

Then there is a second thing I wonder at, and that is, the great amount of lecturing that takes place at the training colleges, *i.e.*, of lecture-giving instead of lesson-giving. Many of the subjects seem to be taught in no other way. As, however, these young teachers will never give lectures to their pupils, and as it seems on many grounds desirable that a teacher should learn as he is about to teach, one cannot help doubting whether lectures can be so good for them as lessons. Lecturing, in fact, is not teaching in the sense of training the mind: it is the communication of knowledge to minds already trained and educated to a great extent. Now, as most of the young men and women who go to a training college go for the double purpose of learning how to learn and learning how to teach, it seems very desirable that they should have just that sort of personal experience of both as may aid their practice when they become teachers themselves. It seems then very desirable that teachers under training should learn as their pupils are to learn; that is, not by lectures, but by lessons.

But I need not dwell further on this point, for by any method of

teaching at the training colleges enough of knowledge may be gained for teaching the six standards. The most serious indictment against these colleges is still to come. It is this : that they do not teach the true art and science of education. I found this charge, on the general argument that such results as we have had before us could not possibly have been produced by the working of teachers trained in the principles of education, according to any definition whatever that can be framed of education. The results, estimate them as we will —both as to quantity and quality—disown the parentage of an art founded essentially on the laws of mind, and which finds in these laws its grounds of action—an art which aims constantly and systematically to elicit and organize mental power.

The results that the Revised Code pays for are quite consistent with the theory that education consists in telling, preaching, expounding, lecturing, cramming the memory, mechanical drilling of the lower faculties, or driving to learn; they are its legitimate fruits, but they are quite inconsistent with the theory that it consists in awakening the mind to the consciousness of its power by bringing it into vital contact with facts of daily experience, cultivating by suitable exercises its faculties of observation, perception, reflection, judgment, and reasoning, aiding it to gain clear and accurate ideas of its own; training it, in short, to form habits of thinking. I confidently ask which of these two theories accounts for the facts we have before us? Do not the "results" sufficiently betray their ignoble origin ?

But (2) I maintain that the training colleges do not teach the true art and science of education, because I do not see that they ever profess to do so. It forms no essential part of their curriculum of instruction, and is not recognised in the examination of the school inspectors. School management is, indeed, one of the subjects of the curriculum, and a few questions are asked upon it by the examiners. School management, however, the organization of classes, and the keeping of registers, has little or nothing to do with the object which we should naturally suppose that training colleges are founded expressly to secure—namely, that the teacher should go forth to his work thoroughly furnished with a knowledge of education itself, both as an art and as a science—the art which involves, the science which evolves, the principles on which he is to act. Now, education, both as an art and a science, is based essentially on the laws of mind, on the science of psychology; and as the teacher has every day to deal with intellectual phenomena, to guide the mind in its acquisition of knowledge or the use of its faculties, to aid it in the formation of ideas, to test its powers by repeated and varied exercise, to convert fortuitous into organized action, to correct its aberrations, to lead it to rely upon itself and gain habits of independence, is it not strange that psychology, which investigates such phenomena and explains the laws on which they depend, should have no place (except in some rare instance) in the curriculum of a training college ? If education means mental culture (without which teaching, so-called, is mere mechanical routine), is it not a matter of prime importance that the

teacher should learn during his training how it may be most effectually conducted? But I once more ask, do our "results" look like the products of such culture; and do we see any evidence in them that such culture is made an object of study in the training colleges?

In concluding this long discussion, I must sum up the points which have been established.

We have seen that the results of our primary instructions, tried by any reasonable test, are singularly unsatisfactory. They consist in dismissing from our schools at least 15-16ths of the scholars with little or nothing that deserves the name of education; with neither knowledge nor the quickened faculties which would enable them to gain it for themselves. When we inquire for the cause of these deplorable results we find it mainly in the inferior quality of the teaching—teaching which consists, for the most part, of mechanical drill and cram, which ignores the native intelligence of the child, and therefore fails to develop and train it to power, which treats him as a machine and makes him one. We next inquire for the cause of this cause, and we find it in the defective training of the teacher, who, whatever he may be taught in the training colleges, is not taught how to educate the mind, and who therefore goes forth to his work as a machine to make machines. Lastly, inquiring for the ultimate cause of all these causes, we find it in the conception of education entertained and carried out into practice under the direct sanction of the Education Department, which pays for results in reading, writing, and arithmetic, as well as a few other subjects, without any regard either to the intellectual quality of the results themselves or to the means by which they are obtained. This conception of education excludes, therefore, the notion of systematic culture of the mind, the formation of good mental habits, intellectual discipline, as requisites of elementary education. In short, the Education Department sanctions, promotes, in a word, pays for, a so-called system of education which virtually defeats the ends of education, and which is pervaded by a mean and mechanical spirit; but just because this system ignores the conception, aims, and means of true education, it seems to be ordained by a power, higher than that of the Education Department, that it should end in failure.

The object of the paper read by the Rev. Brooke Lambert on this head was to show that in judging of the results of education, we must be careful not to limit our conclusions to the tabulated results of passes in reading, writing, and arithmetic, as given us in the annual report of the Committee of Council on Education. The order, the power of application, the power of attacking difficulties, these are imparted by education, and cannot be gauged by any such tables. Modern educationalists rather depreciate the value of classical training, because they cannot verify the results; but if it does produce the power of grappling with difficulties, of sheer hard work, it may not be useless. The writer of the paper, whilst in favour of ultimately extending the curriculum of school teaching so

as to include all natural and physical sciences, was of opinion that before this could be satisfactorily done we must have—1. Teachers who knew the subject thoroughly. 2. Text-books adapted to young learners. 3. A new and less abstruse scientific nomenclature. He particularly endorsed Mr. J. W. Kennedy's suggestion in this year's report of the Committee of Council, of throwing over the standard examination after the Third Standard, and making the "special subject" the test of their acquirements in these ordinary matters, and also of their intelligence in this particular branch.

DISCUSSION.

Mr. Metham (Chairman of the Devonport School Board) said that he quite agreed with the tone and tendency of Mr. Lambert's paper, holding that it was the object of education to lead even the poorest children up to the highest walks, and that a time would come when all the ologies would be taught, as a matter of course, in all our public elementary schools. He agreed, however, still more strongly with Mr. Payne that there was a radical defect in our present mode of instruction which all the inspectors in the world would never cure. In our public elementary schools there prevailed no such thing as education—the drawing out of the mental faculties, and the teaching of children how to apply reading, writing, and arithmetic to the ordinary purposes of life. These elementary subjects ought to be considered, not as education itself, but merely as stepping-stones to it; instruction to use them as such was a necessary part of education; but under our present system it was impossible that such instruction should be given. Observation of a class conducted by a pupil teacher would show where the radical fault lay. No system could be effectual that did not call out the individual intellect. He agreed with Mr. Payne that, although it might take a few months to teach children the meanings of words and expressions, that few months saved much time in the future, because it would teach children to think. The present system of instruction was too mechanical. There was no attempt to evolve from the individual child an individual appreciation of the terms used; and this was where the radical fault lay. As long as that remained, our system must be defective. In day-schools we selected as pupil teachers, to teach others, boys and girls who themselves had not been properly taught; they did not understand a great deal of what they were called upon to teach others, although they taught it to the best of their ability; and they retained their faults through life even as certificated teachers. We must begin reform by insisting that teachers shall learn the individual temperament of their scholars, and pay such attention to each child as to give it a fair chance. Certainly a teacher ought not to be content without making every child in the class understand the meaning of a lesson, which should be repeated until all had mastered it, for such thorough mastery furnished a solid foundation on which to build afterwards. Without such comprehension to begin with, anything above the elements, anything scientific, must rest on an unsound foundation. Every individual soldier received his share of attention, and so must every child; but before we could obtain such individual attention we must have better qualified teachers.

Mr. Rowland Hamilton said that Mr. Payne had taken his figures from the report of the Privy Council for 1866-67; but the report for the year following showed that the number of children presented for examination had increased by rather less than 25 per cent., while the number in average attendance had increased by more than 25 per cent. Admitting that the results of examination were very unsatisfactory, he said that when we were asked to condemn our system we must have a standard of comparison; and what was the standard in this case? His own special work had given him an opportunity of comparing Government elementary schools with those that were subject to no inspection; he had carefully examined child by child with the utmost care; he

had carefully tested his standards by those of an inspector; and he had found that, with very few exceptions, the second standard of the Revised Code in reading, writing, and arithmetic was the *pons asinorum* which very few children could pass in the uninspected schools. When he came to examine the mass of the children in the schools, and to consider the comparative ages of the children, the difference was even greater than at first sight it appeared to be. It was not that too much attention was given to the elder children; there was a far worse error: special attention was given to the apter children; and constantly he had found the first class made up of five or six of the aptest among the older scholars, the majority of whom were comparatively neglected. Another evil was that parents themselves had extremely uncertain ideas as to what education is, and as to the means which should be adopted in order to bring children forward. The greatest evil we had to encounter was the spirit of pedantry in the schoolmaster; the greater the ignorance, the more intense was the pedantry; and until it was broken down you could not call forth mental effort. He fully concurred in all that Mr. Payne had quoted from Mr. Jolly, but similar views had been expressed by others, particularly with reference to the difference between telling and teaching. The evils complained of were not chargeable to the Act of 1870, nor to the former Revised Code; and Mr. Payne had not sufficiently taken into account the absolute necessity of fixing upon definite tests and standards when you came to deal with matters of money. Government promised certain pecuniary aid for certain definite results, and they must necessarily adopt a specific standard; but unless a school fell beneath a low minimum, Government could not be justified in positively punishing it by withholding the grant. Our whole system was to be regarded as one of grants in aid. Government rightly insisted upon rudiments being imparted in every school; but it did not in any way restrict or restrain managers from adopting as high a course of instruction as they found practicable. It was to managers of schools and school boards that we must look for the development of our system, and for adopting the improved methods upon which the success of any measure must depend. It was beyond the power of any Act of Parliament to give vitality and elevation to any system of education. If managers of schools would insist upon intelligence in teaching, instead of squabbling about money with the Educational Department and charging it with breaches of faith for changing standards, school management would soon elicit a much larger measure of public appreciation and support.

Mr. W. Cooke Taylor (Liverpool) heard with high admiration and satisfaction the paper of Mr. Payne, and dissented from the premises and conclusions of Mr. Lambert. The latter objected, among other things, to the teaching of the elements of the sciences in schools, because their names ended in onomy, ology, and other uneuphonious sounds. Was the science that related to the organs of the body less understood or more difficult to learn because it was called physiology, or that relating to the heavenly bodies because it was called astronomy? Would Mr. Lambert object to teaching the elements of our language because the rules of that language were called orthography? It was not in the names of the sciences, but in the facts they taught, that there was importance; it was in the things themselves of which the sciences treated. The objection was founded on the old mistake of supposing that a science was something that was pre-arranged, whereas it was simply a name given to observations made and methodized. Mr. Lambert was gratified at the nonsuccess of a recent motion in the House of Commons in favour of the teaching of the elements of social economy in elementary schools. Whether that movement succeeded or not, every one would continue to learn something, in the home circle, and in every walk of life; and the only question was whether that which was so learned was to be truth or not, whether it was to be true or false economy. That it was called social economy could be no disadvantage; and the elements of it were not difficult things to teach. On the contrary, they were of all things the easiest to teach, because they were the results of observations made by others which had been proved to be true, and did not demand intellectual effort to receive them. If the object of education was to qualify a man to fulfil the obligations of life, surely the way to do that was to teach him the relation in which he stood to others and to society, or, strictly speaking, social science; and it was because we did not do so that the results of our teaching were so unsatisfactory.

The Rev. F. E. Anthony said, Mr. Payne had made a very heavy indictment

against the present system of education, and if the Blue Books were to be relied on its logic was complete. However, the evil of mechanical as distinct from intelligent teaching was one which attached to all systems. We could not make teachers of the highest type any more than poets: the teacher was born, not made; and we may have the most perfect curriculi in the schools, even including Mr. Payne's panacea—psychology; but unless we had the right class of men and women as teachers—teachers by nature, and not by mere training—they would still be very unsatisfactory. The present inefficient teaching might arise from the kind of men and women who came forward for the work, and one remedy would be to improve the position of the teacher as a member of a profession. He should like to see a public opinion formed about the schoolmaster that should lead a much higher class, socially, of young men and women to come forward to undertake the work. In one religious community the most highly educated women devoted their time, strength, and ability to teaching the children of the poor. Much might be done by increasing the staff of teachers, so that more individual attention could be given to children. Neglect in the past had resulted from a want of funds, but he trusted, with school boards, this niggardliness would cease, and that in future there would be no stint in teaching power. It was important further that this should excite amongst stolid and indifferent English parents something of the intense interest felt in their children's education by the Scotch, and which had such an effect on the pupils. Free schools should be at the basis of any system, so that in the next generation there should be no parent found who had not enjoyed the benefits of primary education. This of itself would create an interest in the education of their children.

Professor Hodgson (Edinburgh), with the highest respect for Mr. Lambert's judgment, was bound to say that he had unfairly stated the question, and given an erroneous impression of the issue between himself and Mr. Payne. It was not the introduction of all the sciences nor of any one of them; but it was that the introduction into primary schools of a scientific and rational method of teaching was the one thing needful. Just as it was possible to teach a language unscientifically and injuriously, so it was possible to teach any of and all the sciences injudiciously and injuriously. Mr. Payne's paper aimed at the introduction of a scientific method founded upon rational principles which were altogether unknown to the mass, whether of the higher or of the lower schools, and it was a scientific method of teaching which alone could produce really useful and beneficial results. Between the two schools of educators the fundamental issue seemed to be whether education was to be a matter of torture to the learner or it was to be a pleasant exercise. Those who dwell so much on the importance of classical study from the great difficulties that were involved in it, seemed to have profited but little from the instruction to be derived from the works of the greatest writers they were supposed to have studied, for Plato and Cicero laid down the doctrine that only what was learned with pleasure could be remembered and profited by. Let it never be supposed there could be any want of materials to struggle with; there would always be difficulties enough to serve as gymnastics for the mental energies of pupils. Let us do all we could to excite intelligent interest and to cultivate the mental faculties of children, and we should find that those enormous difficulties of reading, writing, and arithmetic, on which so many hundred hours were wasted without attaining the despicable end aimed at, would be passed over with the greatest ease. Mrs. Malaprop said, it was better to begin with a little aversion; and that seemed to be the doctrine of educationists of a certain stamp; but, unfortunately, they would keep the aversion up to the end. The Code was spoken of as a frost; but it had lasted ten years, and seemed likely to continue. He hoped the frost would soon pass away, and that the code might be buried with this fitting epitaph, "It failed from small attempts." In great attempts it was a glorious thing to fail; but in miserable attempts it was tremendously inglorious to fail; and that the code had ignominiously failed was abundantly testified by the official report. Mr. Payne had done good service to the country at large, because he had dissipated a grand delusion. We had been led to think that if only this system of education were widely extended over the country, and if we had compulsion everywhere, the great object would be attained. But if, as he believed, every word of Mr. Payne's paper were true and incapable of contradiction, even if such schools as now existed

were spread over every part of the country, and every child forced to attend, we should have our real education yet to begin. Professor Hodgson concluded his remarks by passing some strictures on the constitution of the Educational Department of the Privy Council, and the appointment of unsuitable persons as inspectors of schools.

Mr. JAGO (Free Schools, Plymouth) said that it was possible to use figures in any way, and that the Blue Books contained evidence of the efficiency of pupil teachers and teachers. He felt rather annoyed at the manner in which teachers had been spoken of, for he believed they were an honourable set of men, and generally well trained. In this he was borne out by the inspectors. The teachers had done very good work, as the Blue Book would show if it were properly used. Teachers ought to have been better treated, and their pensions ought not to have been taken from them when promised by an Act of Parliament. The learned Attorney-General had that morning suggested the employment of the great and practical minds of the land in preparing a new code, and this was the course that ought to be adopted in educational matters. If this had been done the terrible, stupid, Revised Code would never have been devised. The general want was intellectual training; but then money for results was a powerful incentive to mechanical teaching. The inducements to teach extra subjects were very small. Until we had compulsion throughout England, we should never fill schools nor obtain that consecutiveness of attendance which was so necessary for successful teaching.

The Rev. WILLIAM ARTHUR (London) said the figures on Mr. Payne's paper were very extraordinary and even startling. He had assumed that some one would have challenged, if not the figures, the deductions made from them; but no one had done so. If such a paper were unchallenged, the question came with tremendous power—what is the reason of this comparative failure of our educational system? Of all the reasons which have been assigned, there was one which was paramount. He was not prepared to accept all that had been said about the inefficiency of training colleges; and he should like to hear an analysis of the results of teaching at the different colleges, for he was inclined to think some colleges had produced a higher stamp of teachers than the average. The principal cause of our general failure was the miserably low conception of national education entertained in the highest places. No doubt, the reason why England was behind Switzerland, Germany, and Scotland, in national education, was that the highly educated classes of England, as a general rule, were against any effort being made to promote national education; and even up to this day a large proportion of them thought it a very doubtful thing whether the children of the poor ought to be educated "above their position." This of course was just the reverse of a right idea of the purpose of education, which, if a child was in a position lower than that he was capable of attaining to, gave him power to rise to a higher position for the benefit of himself and of mankind. The idea of treating a human being as destined to the position in which he was born was treason against the Father of human nature, and then against human nature itself. This was really the root of the failure; and what was the fruit? We must not forget how young our system was. The consequence of the state of mind described was that national education was regarded as a matter for charity, which it was up to 1832. From then up to 1839 the education vote was 20,000*l*. From 1839 it rose up to 100,000*l*. The alarm was taken at the increasing cost of education. It had not been the object of our system to make the education of the people a national question. We had endeavoured to consult, not the thoughts, feelings, and consciences of the poor man who wanted a national school for his child, but the thoughts, feelings, and consciences of the richer man who did not want a national school for his child; the poor man was not consulted; the richer neighbour was; and, if he could produce a subscription to meet the grant of the Government, a bargain was made between them to get up a national school, and the Government thus sold the parental rights of the poor man. By thus creating patronage in schools we had introduced into education those very difficulties of "purchase" which we had just got rid of in the army. Here was really the root of the whole matter. Until those in high places were moved to make the

people of England the freest, the happiest, and the best educated people in the world, we should not get the results required, and the country would be left behind in invention, national defence, and everything which makes a nation great.

Mr. PAYNE, in reply, assumed that the meeting decidedly endorsed the arguments and facts he had brought forward, and connected the unsatisfactory results with the drilling, stupefying, and deadening effect of the present system of education, which blamed the child, created in his mind a distaste for learning, and prevented him from exercising his natural faculties, and enjoying the pleasure which human beings have in using their faculties. If we were to wait for heaven-born teachers, our case was hopeless—the education of the country was beyond our power. In his paper he had carefully guarded against condemning the teaching of eminent and successful teachers such as Mr. Jago. But it must not be forgotten that the brighter such exceptions as Mr. Jago the duller the average, and it was the average of the teachers he had charged with inefficiency. If, however, his paper contained a correct estimate of the present system, something more ought to be done than his talking or their listening. He therefore proposed the following resolution:—"That this meeting being convinced on the evidence of the authorized reports of the Committee of Council of the highly unsatisfactory results of our primary instruction, recommends the whole matter to the Education Committee of the Association, with a view of its being discussed by the Council, and, if thought advisable, being pressed on the attention of the Government."

Professor HODGSON seconded the motion.

The Rev. B. LAMBERT, in reply, observed that Mr. Payne had brought one of the severest indictments ever brought against national schools, but all the teachers in every class of school in the whole country were open to the same charges; and he thought it an impractical thing to fix the onus on the national-school teachers, because there were no others to take the place. As to the Blue Books, they contained the reports of men prejudiced against a system which doubled their work, and yet he thought he could have brought forward proofs from those Blue Books to show that in the lower standards education had very considerably advanced through the operations of the Revised Code. However, the least part of what a boy received at school could be tested by examination; the greater part, habits of order, discipline, and the power of acquiring knowledge, could not be so tested. It was not to be said that schools did nothing because they passed so few scholars. Considering the time that children could be kept at school, and the present lack of scientific knowledge on the part of teachers, it was useless to introduce science into the curriculum. It was partly because of his appreciation of science, and the danger which might arise in mistakes in the teaching of it, that he was anxious it should not be taught until it could be taught properly. The irregularity in the attendance of children was one of the great difficulties of the teacher, because it imposed on him the necessity of repeating the same lesson day after day.

Sir STAFFORD NORTHCOTE, Bart, M.P., in closing, said all would agree that both papers were interesting and instructive, and that they had awakened new ideas in their minds. And though they did not agree altogether, he saw no reason why they should not pass the resolution unanimously, because it was a matter which might very fairly occupy the attention of the Council, and lead to important steps being taken. The difficulties and the short-comings to which Mr. Payne had called attention with such strong and convincing proofs were partly common to the whole system of education in the country, and were partly and necessarily inherent in any system of State aided education. Many things which were true of primary national schools were equally true of advanced schools. What had been said of the tendency of teachers to devote their attention too much to the clever children, in order to make a favourable show, was equally true of public schools of the highest grade. A great deal of what had been said about the ignorance and indifference of parents, and their failure in encouraging their children in their work of education, was equally true, if not more true of parents in the higher classes, who looked only to flashy results and success in competitive examinations. There were many in the lower middle class, even in the upper middle class, and some in the upper class, who were quite as indifferent as the poorest were to the education of their children. Among the lower classes, however, where education had extended over a generation, there was a great deal of interest manifested by

parents, which was a happy omen for the future when education would be still more extended. That which had been said about mechanical teaching and cram was alike applicable to the public schools of Eton and Harrow, where "telling," the foundation of all bad teaching, was as much practised as in the lowest class schools. A boy who would not do work honestly for himself would never learn. We wanted to impress on teachers and parents that the great object was to make boys learn. It was comparatively easy to teach, to lecture, and to "tell," when a difficulty arose; but if we wanted to do good to boys and to educate them we must make them learn. It was here we were met with a difficulty peculiar to any system of State-aided education, in which there must be a certain amount of elasticity. You could not produce equal results with boys of unequal abilities, even though you bestowed upon the less able the same patience, and did them proportionately an equal amount of good. But the State must pay by some kind of results, and if the State aided education and paid by results, we necessarily had a cast-iron and a mechanical system, the tendency of which must be to produce the evils now complained of. He was afraid it would be difficult to devise a fair system of State-aided education without a kind of test which would not be most easily satisfied by mechanical instruction. This was a serious evil, and it seemed to him it was to be met by importing into school management as much as possible of an agency different from that of the Government, by importing as far as possible voluntary agency. With all respect for the Rev. W. Arthur, he would venture to say that if the voluntary managers of schools were encouraged, and were shown how to do their duty, they might counteract the mischief of the Government system, and by a judicious combination we might get a great deal more good than we could from either system separately. He was not an admirer of the Revised Code; it was open to a great many objections; and alone it would be scarcely better than having no system at all. But if we combined the voluntary system with the Government system, if we operated through the Revised Code with fair modifications, we might arrive at a satisfactory state of things. What answered well was that managers of schools should let the Government inspector look after the three R's, and that they should devote themselves to other branches of learning and the cultivation of intelligence, by offering prizes in extra subjects to boys who had satisfied the inspector. The spirit of emulation, found to work so well in the highest public schools, by publishing on the walls a list of the prizetakers, might be adopted. This would also interest the parents; and the putting of questions which could not be answered without reflection would correct the effect of the mechanical turn of mind acquired by the boys in qualifying to pass the Government standard. But it must never be thought that a single nostrum will do all that is required. No Revised Code or modification of it will make the education of the country perfect and complete. The primary schools were, doubtless, doing good, and failure in meeting the Government requirements did not prove the contrary, for there were habits of order, of regularity, and cleanliness taught the children, of which no recognition was made by the Government tests.

The resolution was then carried unanimously.

A paper, by Mr. C. H. W. Biggs, on the subject was taken as read. He said: "It is unfortunate that the popular ideas relating to education are mainly derived from theoretical sources, and cannot always be depended upon. The educational system of this country is a myth: in fact, we have none. The various parts of our educational machinery have been hastily flung together, not as they were required, but as public opinion compelled action: the result of this piecemeal action being cumbrousness and inefficiency. We have not, however, to discuss the whole of our educational machinery, but only that part which relates to the unsatisfactory state of our elementary schools. It will be found impossible to reform a part, and to leave the remainder; for the education of the lower, middle, and upper classes is so intimately connected that the one can never take its

true position while the other is allowed to take its chance. Still there are alterations which can be made, and which, if made, would render the present so-called system more effective. They are connected with these: 1. The apathy or supineness of parents. 2. The lack of incentive to pupils. 3. The bad management of our schools. 4. The underpaid masters. 5. The overworked masters. 6. Compulsory attendance not absolute. 7. The early age of leaving school. Many other reasons might be mentioned as conducing to the present unsatisfactory state of things, but the above seem to me to be the most prominent. Education should be placed within the reach of all. Some maintain that pride and a hatred of work increase with extended education; but it is the uneducated, or perhaps the maleducated, who despise work. While there is work to do the educated man will never be found backward in doing his share of it. If, then, the boy who showed talent at the elementary school could be sent to the secondary school, and, if still showing talent, to the university, our gain would be incalculable. The boy would have something to strive for, and the parent would look with more interest upon the school and school-work. We are all agreed that hitherto the management of schools has not been perfect, and school boards are not calculated to alter this." In reference to the Educational Department of the Privy Council, he complained that men whose only recommendations are university honours are made inspectors, although they may never have entered an elementary school previous to their appointment; and these men decide whether the master has or has not done his duty. One of the greatest problems connected with elementary education is the position of the schoolmaster. After undergoing some seven years' training, he is allowed to take charge of a school. His salary is insufficient, and, therefore, to eke it out, he becomes parish clerk, organist, choir-master, land-measurer, surveyor, keeps a night school, or science classes, &c., so that the time required for preparation for school lessons cannot be had. In school his duties are multitudinous: in fact, it is beyond the power of any one man to do well what has to be done.

TRAINING OF TEACHERS.*

How far does Recent Legislation render New Regulations necessary for the Training of Teachers in Elementary Schools. By THOMAS CHATFEILD CLARKE, M.L.S.B.

THE importance of a good supply of teaching power in the schools throughout the country none will deny, nor in treating this subject should a just recognition of the efforts that have been made to supply teachers, and the conscientious exercise of their functions be wanting.

Few people can, I think, have taken an active part in the management of schools without feeling that, in accordance with their means and opportunities, the teachers of primary schools have executed their

* See *Transactions*, 1867, p. 326.

trust in such a manner as to merit the esteem of all classes of the community.

It is also a matter for reasonable hope that the social status of the teachers in our schools will be improved, as has been the case in other countries, in proportion as their usefulness is extended, and as their general cultivation is increased.

Few, however, will be found, I think, to maintain that no steps are necessary to be taken under the altered circumstances in which the country is placed, mainly arising from the operation and future probable working of the Elementary Education Act of 1870.

Notwithstanding the increased activity of the managers of training colleges, and the probability that such agencies will continue to be carried forward on a scale commensurate with the claims upon them, it must be recognised that the necessities are somewhat changed in every respect, and for national schools, it may with reason be maintained that a training national in its character should be possible and easy.

In taking this ground it is of course difficult not to touch on the grounds urged for the maintenance of denominational training colleges, namely, the importance of the teachers being educated and formed for religious teaching.

No one who has the welfare of the community at heart can be at all indifferent to such a necessity. Whatever view may be taken with regard to the function of the State in this matter, and I take a very decided one, I cannot imagine any result more disastrous than that any large number of our teachers should grow up without deep faith and trust in their hearts, such a faith as will issue in conscientious duty to the children intrusted to them; not necessarily for the purpose of dogmatic instruction in any sense but as the guiding principles of their own lives, and permeating almost imperceptibly those about them and under their influence.

But I do not know that I should have ventured to address you upon this subject had I not lately been taking part in a careful investigation into the teaching power of the country, conducted by the London School Board, and with a view to guide the Board as to the probable supply of teachers during the establishment of their many schools.

The first point to be arrived at is the probable sufficient supply of teachers throughout the country. Now, it is manifest this must depend in a great measure upon the success of the working of the compulsory classes of the Education Act, and it is worthy of notice that Sir James Kay-Shuttleworth, in his evidence before the Committee of the London School Board, gave his opinion that for many years the attendance would not rise above one-eighth of the population. This estimate is not satisfactory to many who trust that at no very distant date one-seventh of the population will be a nearer approximation to a correct estimate; but I submit an abstract from the report of the committee that will put the Section in possession of the facts.

"Section three of the reference to your Committee suggests two distinct questions—viz., (*a*) That of the sufficiency of present sources

to yield the special supply of teachers needed to meet the temporary emergency likely to be occasioned by the sudden expansion of the primary school system under the Elementary Education Act; and (*b*) That of the sufficiency of the same sources to furnish the permanent supply needed to make up the annual loss. The committee have felt that neither of these questions can be treated exclusively in reference to London, but that both necessitate a consideration of the educational statistics of the whole country."

(*a*) As quoted above, the report of the Board to the Education Department estimates that after making all allowances for children classed as ill, disabled, too young, or at work, 478,718, that is, rather more than one-seventh of the whole metropolitan population, ought to be in elementary schools. The report further makes an allowance of 5 per cent. for occasional causes of irregularity, and gives 454,783 as the average attendance which, if necessary, could be enforced, and for which adequate provision must be made. A distinction is usually drawn between the number of children for whom buildings should be furnished and the number for whom a sufficient staff of teachers must necessarily be provided; but as the last number in the report of the board represents the estimated *average attendance*, it is manifest that here no such distinction can be made. Supposing that the same proportion of average attendance could be expected over the whole country (that is, presuming that the calculations on page viii. of the Report could be applied to the whole country), the number of children in Great Britain for whom teachers must be provided would be 3,618,364.* It will be seen however from the evidence, that in the opinion of some high authorities such a proportion of attendances is not to be generally expected, but that a proportion, amounting to one-eighth of the population, or 3,257,840, is the utmost that can be looked for. On this point the opinions of the committee are divided, but it was decided to estimate the number of children in the whole country who would require teachers at not less than one-eighth, nor more than one-seventh. The smaller estimate would be 3,257,840, and the larger 3,718,103.

"Taking the lower of these numbers as the smallest that is at all likely to satisfy the requirements of the Elementary Education Act, and supposing that the proportion of one teacher to 120 children is the very lowest that can be assumed, the committee find that the number of certified teachers who will be required as soon as the Education Act is generally applied will be at least 27,149. The number now actually at work is believed to be about 18,750. Thus the addition which ought to be made in the course of the next two or three years, taking the increase of population into account, can hardly be estimated at less than 10,000. Turning now to the resources immediately available, the committee find that the training colleges will be able to supply at the end of the current year about 1667 teachers, supposing half the number now in residence then to pass their examination. It may fairly be expected that during the

* This, of course, is subject to the possible modifications suggested on page xi. of the Report.

following year these institutions will be filled to the extent of their accommodation—that is, will have 3470 in residence. It is manifest that the number who will complete a two years' course at Christmas, 1873, cannot exceed half the number in residence during the present year. But supposing half of the larger number to pass a sufficient examination, the addition from this source will be 1735, making a total for the two years of 3402. In addition to this the committee are advised that a number, estimated at 1246 for the current year, may be expected from the ranks of ex-pupil teachers and acting teachers. It is doubtful whether the latter sources can be relied on to the same extent for the following year; but it is believed that about two-thirds of the last number, or 830, may fairly be looked for. It should, however, be remembered that no great proportion of these can have had the advantage of a sufficient training. From all known sources then, the gross supply of teachers to be expected during the next two years may be set down at 5478. Supposing the operations of the Elementary Education Act to be rapidly extended, this estimated supply cannot be regarded as sufficient; for it should be remembered that, taking the annual loss on the existing staff at 7 per cent., at least 2625, or nearly half the gross supply, will be needed to recruit the ranks of teachers actually at work. This consideration shows that the actual addition to the existing staff cannot be at the utmost more than 2853, and of these at least 990 or 1000 will be required in London alone. It is clear that no extension of the training colleges can be made rapidly enough to meet this emergency.

(*b*) The second question involved in section 3 is that of the annual supply likely to be permanently needed. Still, assuming the smallest staff of teachers at all likely to meet the demands of the country (27,149), and taking 7 per cent. as the annual loss, the annual supply needed would amount to 1900. This makes no allowance for increase of population, nor for the possibility of raising the attendance above one-eighth (3,257,840).

The actual accommodation now provided in training colleges, including all additions up to the present time, is sufficient for 3470 students. This would allow an annual supply of 1785 teachers, or 165 less than the smallest number likely to be needed. The committee, however, have learned, through correspondence with the various colleges, that this accommodation will probably be increased so as to provide for 3896 students. Supposing then the attendance at schools kept down to the lowest point, supposing the colleges to be filled not only to the extent of their present accommodation but up to that of their probable enlargement, and further assuming the lowest possible per-centage of annual loss, the present colleges would be able to meet the demand for trained teachers. On the other hand, if the average attendance of children throughout the country were raised to the proportion laid down by the Board in its Report to the Education Department (3,618,364), a staff of 30,153 teachers would be required, and this 7 per cent. being still assumed as the annual loss, would need an annual supply of 2111, or 376 more than can

at present be afforded, and 163 in excess of all contemplated enlargements."

Without wearying you with any further statistics, it would seem that some further steps are necessary to increase the supply of teachers, though even this want would perhaps alone scarcely warrant the idea which I embodied to the Committee, not claiming for it any novelty, but arguing that the time had now come when itmight with advantage be tried by the Educational Department of the State.

The plea was as follows:—That there should be a National Training College open to all comers, for which I propose the Government should provide in the metropolis a building suitable for lectures and classes, adequate for, and in which secular instruction should be given to the student by a high class of teacher; opportunity for training the students to teach being given in special and selected elementary schools.

My view is that the Government are not to be expected to provide board or lodging for the students, but to make a grant to Queen's Scholars partly for their education, and partly to enable them to provide their maintenance. Further, that students should be only admitted after due and satisfactory examination, with power for them to reside in boarding houses managed by any special denomination so desiring to establish them; they might reside also with their parents or guardians, or in private lodgings recognized and approved by the authorities of the college. This, in brief, is the proposal I make to you to-day, and whilst I am aware other proposals have been made which would increase the teaching power of the country, I know of none which seems to me based upon principles unobjectionable in themselves, and in harmony with the spirit of the times in which we live.

One advantage I anticipate that would flow from this proposal is that you would have a sort of national training university, in which the Government would be justified in trying to establish a model to other institutions in developing also, and urging on the adoption of other training colleges, that wider cultivation, including scientific instruction, which the demands of the best school boards will undoubtedly make on our best, and as I trust, on large classes of our teachers. Further than this, such a college would afford scope in the metropolis for trying experiments in the art of teaching itself, under the direct guidance of the Department.

I shall not enter into the vexed question as to the success or not of the training college students as judged by recent reports; suffice it to say that I feel sure those most warmly interested in these institutions see considerable defects in the results, expecially in some subjects where it was least to be expected; but I think we must all acknowledge a great inconsistency in the position that almost all the training colleges are placed in, namely, they acknowledge themselves to be denominational, and evidently lay great stress upon an adequate and special denominational instruction for the students at a time when by law the inspectors cannot examine in such matters, and can take no cognizance whatever of these subjects.

I confess that to me what I like in the idea of a national training college of the class I have sketched, is the fusion, in one common institution, of young men or women of various creeds, of differing sections of the Christian Church, each learning to respect the views of the other, and gathering the width and catholicity of a university training, which will largely aid an intelligent teaching even of religion, and which will aid and stimulate that general cultivation of our primary teachers, such appearing to me somewhat wanting at present.

It would afford this advantage also, that where an aptitude for teaching existed in the student, coupled with a blameless life and moral character, though feeling him or herself unable to join any of the existing Churches, a field of exertion would exist and a proper training be possible through a college to be founded on the principle now in force, namely, of the practical recognition of the necessity of religious instruction being ignored by the State.

It is here that such an institution touches the want of our day, that without shutting out the possibility of a home life with the aids of religion and the care of religious teachers, no man's conscience would feel oppressed at the necessity of receiving a religious teaching with which he might not agree; and as the Elementary Education Act distinctly recognises the possible formation of secular schools, such a class of student may fairly now say, "No opportunity is given to him, through the inspected training colleges, of acquiring the class of training and study necessary to him."

Doubtless such a training college would do another useful work, inasmuch as it would stimulate every other like institution in the country to renewed exertion, and especially would it point out to the managers the necessity of enlarging the field of study for teachers.

Efforts are being now made in London, in which I am co-operating, to supply this winter to teachers in elementary schools special classes and lectures, where science in varied ways will be taught; and it would seem only natural and fit that this teaching should become more largely than hitherto a part of the curriculum of the training colleges.

It is to be hoped that the feeling of necessity for a high class of knowledge in the teacher is growing, now that the Revised Code is superseded, and the Educational Department of the State has come under the influence of other minds; for undoubtedly the Revised Code did much to depress all connected with education for a considerable period.

There is another reason very cogent to my own mind for the establishment of a national training college, and that is connected with the system of class-room instruction as opposed to teaching in the common school-room.

I confess, from all the evidence I can gather, this is the system to hope most from in the future; but for its successful fulfilment it will require teachers adequate in every branch of knowledge to conduct the classes, and of a high class of attainment at an early age to render them fit to be considered assistant masters and mistresses. This question will also bear on the number of teachers required;

as clearly, more would be necessary on the class system than on the present one.

The numbers to be taught may vary from forty to sixty children in a class, and their education would have to be conducted by teachers adequate to take the complete instruction of the children, leaving such subjects as drill, singing, and drawing, to be taught by special masters or mistresses.

I confess to taking a very deep interest in this system of teaching, and it will require for its successful prosecution *assistant* masters and mistresses in considerable numbers, the quality of whose attainments should be equal to that of the present head master or mistress of a school.

No doubt I shall be met with the objection that you would by such a proposal be enabled to start a training college with unlimited funds in unfair competition with denominational institutions; but the answer is a simple one. The scheme of national education, if it can be rightly so called now, provides the same difficulty as respects board and voluntary schools; and shall you deny to the teacher the same class of privileges which you give to the scholar?

Those who are observant of the grasp voluntary or denominational schools have upon the country, may well say that it is naturally to be looked for, that the same class of enthusiastic support will be extended to denominational training colleges; at any rate, it is inconsistent to proscribe the teaching of forms and catechisms in board schools, and then to make the educational channels of your teachers through agencies strongly imbued with the necessity of them, though even there are some very few exceptions claimed.

It should be borne in mind that there are grounds for the establishment of such a class of college as I propose of another important kind; that it would give an opportunity to a number of young persons, mostly perhaps of the female sex, to enter the vocation of teaching without leaving their homes, and that you could probably secure a superior class of person, for whom it is now difficult to procure occupation.

Since the passing of the Elementary Education Act I have had applications from gentlewomen to know if I advised them to take charge of primary schools. My answer has been that it required a special training, which it would be difficult to secure except through some such channels as now exist; but if young people starting with a good general education could get the special training and power of teaching in a first-rate college in the metropolis, whilst living at home and without the associations and limitations arising from the constitution of the present colleges, I think much good would be done, and a valuable class of teacher secured.

After all, those interested in education must feel that on the superior individual influence on the minds of the scholars does much of the value of any system depend. It is at once apparent with the humbler classes where a cultivated teacher has a class in hand. Should we not then in every way stimulate such class of teacher to enter the lists?

In this way we can find most excellent employment for a class now often standing in need of it; and in proportion as secondary schools extend, which I trust will be the case—and for which I hope the best success—shall we be enabled to supply superior teachers to meet the increasing demand, and in so doing, each class will help the great work of the future effectually.

I should be sorry indeed if in making these proposals I am misunderstood as considering this as the only possible way of increasing the number and efficiency of our teachers; of course, the extension of the present training colleges at once suggests itself to many minds at once the easiest and most practicable course; but I venture to urge that this proposal differs *in limine* from mine, as I am anxious to secure collegiate training not necessarily through a connection with any section of the Christian Church, and yet giving the freest scope to the individual life of each student; and with, I trust, a deeply religious spirit as the guiding motive of his or her life. I would add that, though there are some institutions which do not encourage the teaching of creeds, their whole atmosphere is that of the same character as if creeds were taught, and the bias is all in one direction.

Another suggestion has been made, namely, to admit non-resident students to the existing colleges. Now, to this course I see no objection, though I do not think it meets the want, and I have my doubts whether the mixture of the resident and non-resident students would always work well for the general success of the institution; in fact, I think that any attempt to make a purely voluntary agency dependent on uncertain funds, the sole stay of the teaching power of the country, is wrong in principle under the present great responsibilities of the State in the matter of primary instruction.

It has been further thought that greater facilities should be given to private teachers and others, to pass the examination prescribed for admission of candidates who do not desire to enter training colleges; but it is at once apparent that this cuts at the root of the usefulness of the whole system; and I suppose few of us are prepared to maintain that the discipline of the student course, that the training in teaching power individually and collectively in the schools for practising open to the teacher is not a most valuable help to success in their vocation. On the whole, I cannot but think we must come back to the principle of a training college, at once national in its character, and open to all, irrespective of creed, bias, or colour.

I have purposely abstained in this paper from any questions of great and pressing interest surrounding this subject, such as the nature of the education and course of instruction to be given in board schools. Suffice it to say to those alarmists who think it will be too extended, that the dense mass of ignorance to be contended with will keep the result at a very low standard, and that, I fear, for some time to come.

In concluding this paper, let me urge upon the Section that the whole condition of the educational agencies of the country, judged from the past necessities, are hardly likely to meet the wants of the future.

Let us with the greatest catholicity of feeling, and with a widening experience, throw aside any merely obstructive views; and as regards both the establishment of school boards, the application of compulsion, and the supply of teaching power, enter heartily into the wants of the day, and let us strive to do the very best that we can in our day and generation for the general advancement of the people's education.

DISCUSSION.

Miss SHERIFF (London) called attention to the college at Bishop Otters, near Chichester, for the purpose of training young gentlewomen, who, not sufficiently educated to teach in secondary schools, thought there was a good opening for them in the national schools. She believed that a great many would avail themselves of the advantages of the college, and that the influence of educated gentlewomen in the schools would be most beneficial.

Mr. ROWLAND HAMILTON (London) said, Mr. Clarke's proposition met a very great want, which, no doubt, would be felt in obtaining an adequate staff of instructors, and it was deserving of cordial support, inasmuch as it did not necessarily interfere with those private exertions upon which we must in the main rely in diffusing the educational system throughout the country. A Government college would rather be a stimulus to private training colleges, and keep up the standard required. It would establish that fair and honourable competition which had been so valuable in industrial matters between official method and private enterprise.

Mr. METHAM thought Mr. Clarke had apportioned to each teacher twice as many children as ought to be given them, so that the difficulties would be greater than he had supposed. Difficulties should be looked at and dealt with in a practical spirit; and even delay would be beneficial if it resulted in our obtaining a more solid system. He welcomed the plan mentioned by Miss Sheriff, because he hopefully anticipated the advantage of bringing the elevating and humanizing influence of cultured ladies to bear on the schools, having seen the benefit of it in many instances. We should be fostering a very great evil if we did not look to the inefficient teaching of the pupil teacher, and no system could be satisfactory as long as the education of the children was committed to pupil teachers, who themselves possessed no power of education—the power of drawing out the mental faculties of the children. The true remedy would be to say that no one should be allowed to take his place as a teacher until he had passed through a training college, and had given evidence, not only of his knowledge, but of his ability to convey it to others in a proper way.

Mr. PAYNE (London) said, the kernel of the matter lay in the fact that the country was liberally supporting training colleges, which assiduously inculcated denominational views, whilst by the Elementary Act we had prevented any inquiry into the character of the religious education of the schools. If we were to supplement the present number of teachers by the large number said to be required, we must have many more training colleges; and the practical issue which must be decided was whether we should go on increasing the number of colleges in which the denominational element was to be a distinctive element, in which the teachers were to be denominationally prepared for denominational instruction, which they were not necessarily to give, and which was not to be inquired into. The feeling of the country would be decidedly against this being done; otherwise, nothing would have been accomplished by the passing of the Elementary Education Act. Therefore, it would be found impossible to go on establishing training colleges, which were to be started with Government subventions, and in which the denominational element was to be conspicuous. Mr. Clarke had satisfactorily made out his proposition that there must be national colleges in which future teachers may be taught how to teach, and not how *not* to do it. These colleges must be established on a decidedly catholic basis; there must be no recognition whatever of the denominations to which the students belonged, nor of the denominational character of the schools which any of them were to enter. But it was evident that whenever the Government thought fit to propose to establish such colleges they

would meet with strong opposition on the part of those who were now conducting training colleges, and who wished the present system to be continued. This was one of the reasons why it was so strongly urged that additions should be made to the existing colleges instead of building new ones. It was obvious that the making of additions would imply that the present system was to be continued. If new colleges were proposed, matters would be altogether changed, and there would be a contention between those who held that we ought to pay for the denominational element and those who denied that position. The experiment mentioned by Miss Sheriff was an entirely new method of dealing with the question; but supposed to be the avowed object of Miss Hubbard in that experiment to promote and prolong denominational education, then the experiment assumed a wholly different complexion.

Professor CHARLTON wished to ask Mr. Clarke in what way he would unite parties together in relation to their religious opinions. In the proposed national colleges was instruction to be given on religious matters? If we simply brought together a number who held different opinions without anything which would excite sectarian feeling, there would be no objection. Would Mr. Clarke have any indirect teaching that bore upon religion?

The Rev. WILLIAM ARTHUR (London) said that Mr. Clarke had intelligently opened a vital question. From the first he had held that the great need of the country was to have more of national and less of private patronage in the great question of public education. He regarded the element of private patronage in national education as decidedly a vicious one; it was unjust in every way and weakening in its operation. When we came to the higher side of national education, that of the training of masters, a system which gave no national training colleges could not with any accuracy be called a national system. A system which made every school an organ of private patronage, bought by private money from the Government, was founded on an essentially vicious principle. He would say, not only ought we to have one national institution, or more than one, but that none of the *alumni* of the denominational colleges ought to receive a national certificate without a finishing course in a national institution. We were entering upon a totally new phase of national instruction, a period of careful school teaching, by which prejudice against your neighbour and against his religion would be engrained into many minds. The tendency of this to produce factions in the future was a very serious matter indeed. It was all the more necessary to look to some national institution which would give to every national schoolmaster a thoroughly broad and national set of sympathies, to counteract the opposite sympathies which would be produced and fostered. He did not by any means assert that every denominational college would send out men of a sectarian spirit. While one college might be non-sectarian in spirit, a neighbouring college might be the opposite; and our present system provided no guarantee whatever in this respect. Neither did our so-called system of voluntary help provide for the education of the poor; what it did, was to give the control of the education of the poor to the money-paying power. The Society of Friends could easily find the money for training colleges if they needed them; but they did not include any of the working classes, any of the people who would furnish material for the future schoolmasters and mistresses. On the other hand, the Primitive Methodists had 281,000 Sunday scholars, and 47,000 Sunday-school teachers. The latter would yield a certain per-centage of future day-school teachers, but they had no chance of becoming such without giving up their own denomination. Their right as citizens was sold to Wesleyans, to Churchmen, and others richer than themselves. There were 99,000 Sunday schools in the different bodies of Methodists, excluding the Wesleyans, and these denominations had no training college, not because they did not embrace the working classes, for they did, but because they did not embrace the monied classes who could pay what was necessary under our present system to purchase for these poor people their national right. Could such a system stand? Plainly, what professed to be a system of voluntary help, took, as the test of voluntary help, not personal service, but money power; and money power did not represent the greatest capacity to promote popular education. He felt more strongly than he could express that an essential part of the question had been thoroughly well opened, and he trusted the paper would be the means of calling attention to what must be a part of a national system of education, something which would offer an educational career freely to every one.

Miss COATES (Bristol) referred to the case of the Unitarian Schools, Bristol, conducted as British Schools, to show that teachers of various denominations worked harmoniously together, and defending the pupil teachers from the charges of inefficiency, observed that if the managers of the schools would only do their duty, the pupil teachers would be well enough. That was her experience of British Schools, where the pupil teachers had gone out and done well.

Mr. JAGO (of the British Free Schools, Plymouth) added his experience that it was possible for teachers of different denominations to work harmoniously together. At his school, fifteen pupil teachers and three teachers represented no less than eight denominations; and the committee of the schools came from all the religious bodies in the town. The great want of pupil teachers arose from the want of confidence in the Education Department. Though pupil teachers were apprenticed too young, his experience was that they were not altogether so inefficient as had been represented. One central college would not meet the want, for already the expense of going to London was too much.

The Rev. F. E. ANTHONY (Plymouth) thought they were much indebted to Mr. Clarke for his proposal of a central national college, which, however, he took only to be a germ of a system which might be developed throughout the country. The system was so simple in principle and easy of extension that colleges might be established in all great centres. If we could enlist the sympathies of classes outside those from which the supply of teachers was at present drawn, that would enable us to obtain teachers sufficient within the next few years to meet the extraordinary demand which had arisen. The denominational institutions should be allowed to compete with such colleges as those proposed by Mr. Clarke. If they could hold their own they would have won their right; but he believed the time was not far distant when the denominational system would altogether disappear, as regarded both schools and training colleges.

Mr. CLARKE, in reply, said the London School Board had sought far and wide for teachers for their schools. They found they were depriving other schools of teachers; and that brought home to them the question of the inadequate supply. He sketched out a scheme for the committee, who considered the matter; but there appeared to be in that committee a strong Conservative feeling with regard to the maintenance of training colleges that are in existence. He hardly hoped now that any scheme of the kind would be assented to and adopted; but he hoped the Association would do its best to lay before the public the principle on which it was founded. With regard to the maximum number for a class, the committee, after examining many teachers, concluded that sixty was the largest number that ought to be taught by a special teacher. He did not propose religion should form a part of the curriculum of the college, but the students might easily find means of religious association. Religious teaching was not to be shut out of the college because religion was inimical *per se*, but because it ought to be put in its right relation.

The PRESIDENT (Mr. Hastings) entirely agreed with the leading principle of Mr. Clarke's paper, that there ought to be a training school, or training schools, established, which should be thoroughly national in their character, to which all might go who desired to go, without reference to denominational or theological differences. He had not the smallest doubt that, following what was undoubtedly the bent of the mind of the people of this country, probably increasing in intensity in that as in all other respects, our educational system would at no distant period be made national. It was not necessary because you made a college undenominational, that therefore you should make it purely secular, or ignore the religious principle in its administration. The words religion and religious were continually used in discussion in a wholly incorrect sense, meaning that which was dogmatical, theological, and denominational. He objected to the use of the words religion and religious in these senses. We ought to use them only when we speak of fostering the true religious principle, that from its nature must be in all earnest minds above these mere differences of opinion. It was quite possible to have an institution conducted in a religious way, and with a most religious aim, although it should not teach any of the dogmas which form the differences between the various denominations of Christians. In giving his entire assent to the scheme propounded, he wished to guard himself against the supposition that therefore he would have the teachers in the college brought up in disregard of what must lie

at the root of all sound education. He admitted the inadequacy in the supply teachers, and the consequent necessity for additional facilities for producing the but as the need would not be felt by board schools, that was, by undenominatio schools, he thought too much stress must not be laid upon the difficulty affected undenominational teaching. His own board would advertise for a ma and mistress, and as they would offer higher salaries than were paid to the ma and mistresses of the surrounding denominational schools, they would draw from them two of their best teachers. The board would take the best they could get. The boards would not feel the need of more teachers, because they were safe to be supplied; but some of the denominational schools, which lost their teachers in this way, would find it difficult to supply the vacancies. For these reasons he did not agree with what was said by Mr. Payne about the new college mentioned by Miss Sheriff for the training of women of the higher classes as teachers in elementary schools. Under any circumstances he should rejoice to hear of an institution which threw open to women of the higher and the upper middle classes the work of teaching in elementary schools, without their resorting to the present training colleges. It was only three weeks ago that he was applied to on behalf of two young ladies—ladies in every sense, both as to rank and education—to know whether they could qualify themselves to obtain certificates as teachers of elementary schools, without going through a training college. They said, it was impossible for them to go there, because they found on inquiry they would have to associate there with a class with whom they were not accustomed to associate, which would be disagreeable to both; and they wanted to know whether there was any other means by which they could obtain certificates. Practically there was none. He was quite aware that there was a proviso for certificating women who had not passed through a training school; but then they must have passed through something even more irksome: they must have worked as assistants in elementary schools. He was therefore rejoiced to hear that there was a training school established for upper-class women to fit them for teaching in elementary schools. He could not imagine any occupation more fitted for many ladies in this country who were under the necessity of earning an income, and who it was desirable should not go to swell the already overstocked ranks of governesses. Such ladies would bring the refinement of high education to bear upon girls of the weekly-wage class, and that would be one of the happiest things that could occur. He therefore could not sympathize with the objection to this college taken by Mr. Payne, who said it would be a denominational college, conducted in the interests of the Church of England; for, after all, Church schools would be the very schools that would want the new supply of teachers, and the ladies trained in this college would be fit to supply the vacancies that would occur. At the same time he should be glad to see a really national college for the training of women as well as of men for this work. He approved of the arrangement of schools in classes in contradistinction to having classes in schools; and wherever it could be done it would be productive of the best results. In Worcester he endeavoured to open up negotiations with the elementary schools, to find out whether they would join the board in adopting that plan; but the difficulty which stood in the way of so many benefits, namely, the theological difficulty, cropped up; the denominational schools would not join with the board school, because they could not be satisfied that all would be taught which they thought necessary. Consequently, he feared that for the present that undertaking would have to be postponed. But he had no doubt that the more elementary education was nationalized, the more would it be seen in every town and city of sufficient size, that the best plan was to place all boys of the first class in one good school, to put the boys of the second class into another good school, to place all under good masters, and so fit them to pass into the higher education of the secondary schools.

SECONDARY EDUCATION OF GIRLS.*

What Public Provision ought to be made for the Secondary Education of Girls?

MISS SHERIFF said it was difficult to say in what sense the word public can be used in speaking on this subject, as it would seem to refer to Government assistance. Looking to the waste of national resources caused by the ignorance and by the undeveloped or misdirected power of women, such assistance would be a national wrong, but would not, according to English precedent, be expected. The only public revenue available for such purpose are the endowments; hitherto they have been almost monopolized by men, the proportion in which they have derived aid from them as compared with women being as ninety-two to one. In justice we might claim that in the remodelling now going on, all unappropriated sums should be given for the education of girls; but such a claim would not be listened to by Parliament or the country. Doubtless, we shall get more than we have had, but far short of what is needed. In default of public assistance we must stir up public feeling, work upon opinion, and by collective action do what in other countries would be done by Government. Had Government funds been given for secondary education, a uniform system would have prevailed; in the absence of this help, how can such an advantage be secured? The most glaring defect of girl's education is want of method. This was curiously illustrated lately by the discussion on Miss Sheriff's paper at the British Institution. No ruling principle seemed to exist in the speakers' minds, that their daughters were to be educated, except to please or be useful to them. No method can exist till a definite purpose is acknowledged in the education, and a definite aim in the instruction. The purpose of the education must be sought in the duties—equally binding on men and women—of cultivating and using their faculties freely, according to their own conscience, and in the service of their fellow-creatures. The aim of instruction naturally follows when once that principle is admitted. But such views will hardly be carried out while education is conducted in private schools at the mercy of individual caprice. Boys' schools are equally free from Government regulation, but the universities providing all the first teachers, and standing as the goal to which the best pupils aim, influence the whole system, and the preparation for practical work keeps it up in another direction. Neither of these forces acting from without, have had any plan in the education of girls. The National Union for Improving the Education of Women, constituted a year ago, aims at creating a system in which girls' schools shall come under the same influence that acts beneficially upon boys; for this purpose it proposes—first, large public day schools working under the control of a governing body. Secondly, that each school should have a class specially devoted to training teachers, and that teachers should be registered. Thirdly. That

* See *Transactions*, 1871, p. 366.

schools should be regularly inspected, so that their school-work should be tested. Beyond this system of schools Girton College, opened three years ago, offers to girls the opportunities of following the complete course of Cambridge studies. The numbers are yearly increasing; the work done is excellent, and it is hoped that our first-class teachers will in future have the benefit of such training, and will thus raise the noble profession of teaching, as regards women. Other plans besides the college are now in operation for giving higher education to women. The colleges of the universities of London, of Edinburgh, and of Durham, have opened their classes to women, and they can work them without danger of the standard being lowered for them. All the plans for study after school time have the advantage in common of prolonging the period of tuition, of preventing the 18th birthday heralding in years of utter idleness. The contrast in this respect that has prevailed in the case of boys and girls is startling in the evil and the folly of the tone pursued with the latter. College life is known to be valuable to women, but funds are still required to build the colleges. The paper closes with a brief summary of the system which may, it is hoped, be established without the aid of any public provision. Then once more, under the influence of public opinion, would private energies and resources have done in England what in other countries can only be done by the aid of Government; and such a reform may be the more lasting, that it will be founded on conviction and will have been wrought out by time.

DISCUSSION.

Miss CARPENTER (Bristol) said, Miss Sheriff had particularly inquired whether Government or public help was needed. Very great efforts were being made by the Charity Commissioners to establish superior girls' schools of a very admirable character, and she had no doubt when the plan was completed there would be a large number of such as had been already established in Birmingham, where a very excellent education may be obtained by young ladies at a very reasonable rate. But she wished to call attention to the point at which Government help was needed. It was recognised by the public that there should be a better education given to females, but, granted there were sufficient schools established, where were we to get teachers for them? We had none but male teachers to look to; we could not look to the certificated teachers who had been trained in the Government normal schools, even if we wished, because the school boards want them. She would not look to that class of teacher, for Government did not give them the education young ladies required. Those teachers were for the most part taken from the working classes, and it was of the utmost importance to obtain for young ladies teachers in their own position of life, with similar feelings and manners. Were we then to look to male teachers? She thought very highly of the influence of gentlemen in teaching different branches of knowledge to girls, but still she did not regard it as desirable for a gentleman to have the details of the management of a girls' school, any more than a woman, however powerful, should have the management of a boys' school. Where were we to look for female teachers? Even a college education did not prepare women to be teachers. The pupils were repeatedly told that it was hoped the education they received would prepare them in any emergency to become teachers; but many laughed at the idea. It so happened that some of them had become teachers; but still they did not go to school with that object; and young ladies seeking that kind of education would not wish to undergo the drudgery of teaching. The university local examinations were raising the tone of education, and causing people to be dissatisfied with such as

they had obtained in the past; and there was a deficiency in the supply of teachers for the next generation. Where, then, were we to look? First of all, in no Government normal school were girls of the higher class to be found. It had been said that demand would create supply; but this was absurd, because you could not make teachers in six months. Mr. Payne had impressed upon them very truly that education was an art and a science, and was not to be learned in a short time. Speaking generally, the education given in girls' schools was not thorough, but was superficial, and it was a general opinion that young ladies who went out as governesses were not well qualified to teach. There was in the country a vast amount of raw material, young ladies who might easily be made into teachers. Such were the daughters of professional men with large families, young ladies who wished to do something for themselves, and did not know what to do, who had been brought up in superior habits, and were obliged to live in an economical manner. If there were the means of offering them the necessary training to become teachers, a large number could be trained in six months. Of course, it was assumed that the ladies were educated, and that those who were best educated would be selected. Six months of good training by scientific masters, such as Mr. Payne, would enable them to gain such a knowledge of teaching as to be able to carry it on satisfactorily, and to go on improving themselves. This, however, could not be done unless there was Government help. No private efforts, however great, could possibly create these teachers in the time in which they would be wanted. Therefore, she would urge on the Section to endeavour to try to draw the attention of Government to the necessity of providing training colleges for young ladies. Government provided them when they wished to raise the general education of the country; let them do it when the want was to elevate that of the middle class. Government ought to do what we cannot do for ourselves.

Mrs. Amelia Lewis (London) could not participate in Miss Shoriff's discouragement at the present aspect of affairs. If we were beginning to see the importance of educating women for their large share of life's duties, we were getting on. We are at the bottom of the hill, and we must begin to ascend. Our feminine instincts are always inclined to jump to conclusions. We must not jump at results; we must work for them. We must see what we mean by education, by female education. We must then see what help men will give us. Although in the general groundwork of female education you are behind Germany, you are above it in claiming for women equal education with men. There is no college like that at Hitchin in Germany; there are no Government examinations; but there is a sound plain system of general education, without accomplishments, for girls. The accomplishments are left to the circumstances of the parent. That sound foundation you want first. Let us first get moderate, sound, plain, general instruction in public schools for girls.

Mr. Joseph Payne (London), remarking that opinion was queen of the world, said he wished to show what sort of teachers opinion had tolerated. It had often been asserted that a person with no good qualification to do anything set up as a teacher. A lady who had a large establishment advertised for a lady superintendent, to assist her in organization and management, in selecting masters and mistresses, in arranging classes, and in teaching. The salary offered was 100 guineas, with board and lodging. She received 900 replies, and a gentleman who went carefully through 300, found miracles of bad spelling, astounding instances of bad grammar, and every conceivable defect in education. Until we get opinion to denounce teachers without special qualification, we should never arrive at a correct estimate of education as an art and a science. Any one who comprehended what real education was, would know that it was a different thing from the ordinary practice of schools, and especially ladies' schools, a practice which, by ordering to learn and telling, quenched rather than quickened the intellect.

Mr. Metham (Devonport) observed that whilst all must sympathize with those ladies who, from dire necessity, were forced to be governesses, all must regret the results flowing from it. It was impossible to estimate the injury done by incompetent teachers, and unfortunately few parents were capable of testing the education given to their children, but they would be sufficiently wide awake to appreciate the value of the registration of competent teachers. He pointed to the case of Greenwich Hospital as an instance of the injustice done to girls in the administration of endowments. Endowments had been wrongfully taken from

girls and given to boys. There was originally a school for girls as well as boys; the girls had been sent away with 2*l.* each; they had been robbed of their birthright; and, hitherto, ministerial changes had interfered with the adoption of any scheme by which redress could be given.

The Rev. WILLIAM ARTHUR (London) wished to point out what he considered to be the most important among the many important points of the paper. The point to which he desired to allude was this: the conception by men of the end of the education of women. Miss Sheriff very clearly pointed out that, from much of what was said on the subject, you might suppose the only purpose of educating a woman was to make a pleasant companion. For his own part, he believed, so far as the ends of human society were concerned, no conception could be more false, none more unworthy than that; and yet he would not for a moment underrate the accomplishments or the *agréments* in the education of women. Quite the contrary. He believed that the college at Hitchin had done wisely in adopting the Cambridge course for the present, and for the reasons assigned by Miss Sheriff; through no other mode could they prove to the public that a woman was capable of doing what a man could do, viz., of giving a ready education. But he very much doubted whether, in the long run, it would prove desirable that the education of women and men should be identical. Let the education of women be as high, or, if you could, even make it higher than that of men, but not identical with the education of men. He believed that the time given to what were called the "accomplishments" was very far from being time lost; but that, on the other hand, the conception of the education of a woman as merely being intended to make her an agreeable companion was in itself an essentially low and defective one. She ought to be educated on the principle that she is one of the two great factors of human life, and the aim of education of man ought to be to develop the manly qualities to the highest possible utility, while the aim of the education of woman should be to develop the womanly qualities to the highest possible point of refinement and utility. Anything in education that tended to make a man effeminate, or to make a woman masculine, must reduce the comparative influence of the two. In proportion as men are manly is their ascendency over women; while in proportion as women are womanly is their ascendency over men; and this mutual ascendency, properly balanced by the love and union of the family, was, he maintained, the great means of bringing us as nearly as possible socially right.

Miss TODD (Belfast) suggested that where ladies were carrying on schools on right principles, it would be well to try to enter into relations with them, and make such schools the *nuclei* of the suggested proprietary schools. In Ireland there was the Queen's Institute, which had sent out many young ladies who filled various positions of trust, and who were trained for art industries, and as teachers. It was started, soon after the visit of the Association to Dublin, with the object of teaching remunerative occupations to ladies, classes more strictly educational had been added; but the fact of there being a practical aim before many of the students had made the teaching so exceptionally good, that many girls who did not intend to seek remunerative employment were glad to attend the classes. However valuable technical instruction might be, it should follow and not supersede or be mixed up with the general education, which was to draw out all the faculties; and she therefore objected to separate training colleges for lady teachers, believing that the object would be attained much better by training young ladies in schools such as that she had spoken of in Dublin, than it would be in separate institutions. Another objection to training colleges was that they separated those who did not expect to earn their own bread from those who had to do so, and this would tend to confirm the false idea that it was unladylike and not even feminine to do remunerative work. Young ladies could be trained in the schools under the superintendence of ladies, and a test afterwards applied to their scholarly attainments. For these reasons she would seriously deprecate any separate arrangement.

Mr. COOKE TAYLOR (Liverpool) thought the fact that ladies went to college was commendable; but that was very far from being the chief end of woman's education, of man's education, or of any education. Neither Miss Sheriff nor Miss Lewis had struck one of the most important sides of education—namely, the development of other than intellectual qualities, such as self-reliance, industry, prudence, and effort. This would be done best by opening up new employments to

women, and though it could be done by manufacturers and others, still it could be done most satisfactorily by the State. What public provision could be made for the higher education of women whilst they were excluded from appointments in the power of the State through which that education might bear its fruit? What he proposed was that the Civil Service should be thrown open to women. Some steps in that direction had been taken already; and he had learnt by inquiry that, in the opinion of the Home Secretary, not only had the experiment been successful in an economical point of view, but that it had tended greatly to promote the advantage of the office in which it had been tried, and in which male and female servants had been employed together. This was not only an economical, but it was also an educational question. It was important to recognise that there were industrial and social qualities, which gave women self-reliance, and fitted them to take an interest in the affairs of the world, which could not be promoted by a course of college training, but which could be promoted only by throwing open to them channels of employment through which men rose to wealth and eminence. He sympathised most cordially with Miss Sheriff in the efforts she had made; but, considering the terms of the special question, he felt that it was in some sense an omission that this side of the question was not considered in her paper.

The Rev. Brooke Lambert (Tamworth) suggested that the word "child" be substituted for that of "boy" in any future schemes of the Endowed Schools Commissioners, so as to obviate any difficulty arising when public opinion was in favour of giving, by means of the endowments, higher education to girls.

Professor Hodgson (Edinburgh) wished to address himself to the possibility of providing the teachers required for the contemplated schools. All agreed that as the teacher, so is the school; and the fundamental question was how to get them. Miss Carpenter suggested the concentration of our energies to induce the Government to set up a central establishment for the training of suitable teachers for the middle classes. He would not go into the question whether it was desirable Government should or should not do this, because he was convinced Government would not do it. But some experience he had had lately at Edinburgh threw a little light on the subject. Miss Sheriff alluded to the important schools established recently at Edinburgh, not by the corporation, but by the Merchant Companies. There were two schools for girls—one for 1200, and the other for 600. These schools afforded the enormous advantages that resulted from having large numbers to deal with; they enabled the managers to make the most perfect classification, so that there were not only classes rising one above the other, vertically from the lower to the higher; but there were also lateral or horizontal divisions, and each class was cut into three or four sections, so that there was no girl who would not find, at any moment, a portion of a class in which she might be fairly placed, on the ground of being on the same level of requirements with the other pupils that were in it. When the schools were established, the question arose, how were teachers to be obtained? and it was found that Edinburgh, with all its educational provisions, could not furnish female teachers. First, the managers appointed a head master, with a salary, and a per-centage on the number of pupils, to superintend the entire education. Then they appointed a matron, with co-ordinate authority, with a fair salary, to take charge of all matters of general discipline, with which a master ought not to meddle. The general teaching was conducted by the best qualified men who could be found; the large numbers enabled the managers to pay well, and to draw the best teachers from the other schools. Besides the male teachers, every class had a lady governess attached to it. She was always present at the lessons, took notes, and looked after the proprieties. There were some forty or fifty governesses who were daily in the habit of witnessing the best instruction which could be given. Here then was a provision for the training of most admirably qualified female teachers, not only to go forth to other institutions, but to fill up vacancies when they occurred in the Edinburgh school. In the provisional training of ladies by male teachers we had a solution of the difficulty, particularly if the male teachers were also employed to supplement the instruction of those who acted as governesses. Ten years had been mentioned as the time within which several large schools would be established; and for the teachers of the classes, he believed they would be obliged to fall back upon men as a provisional measure.

Mr. Edwin Pears (London) said, the special question implied that some public

provision ought to be made for the secondary education of girls. So far as the discussion had gone, there had been a tendency to consider, not what public provision should be made, but what provision should be made in connection with large private schools—public only in the sense that those who promoted them had no pecuniary interest in them. Addressing himself to the question of a public provision, he would say he did not believe that in this country we were likely to get good middle-class schools for girls until we had some organization corresponding to that which prevailed in Germany. So long as we left all provision entirely to private enterprise, our schools must be unsatisfactory. There was no chance of the Government taking so important a step as to establish public schools throughout the country. We were not likely to get much help from the Endowed School Commissioners, because an enormous majority of the endowed schools of the country were endowed for the benefit of boys, and many of those that were endowed for girls had long since got into the hands of boys. But there were two ways in which the Government might help us. One cause of the frightful state of middle-class schools was the ignorance of parents as to the character of the schools to which their children were sent. If we could get into them, turn them inside out, let the public know what they were, and show that in many cases the text-books were those used by our grandfathers, and full of blunders; that the teachers knew nothing of method; and that all they aimed at was showy accomplishment to please ignorant parents, we might hope to do some good. Could we get anything like inspection? He believed we could. The measure which would help us most in this respect was the second part of the Endowed Schools Bill. It proposed that there should be a general registry of teachers; that all who chose to submit themselves to examination might do so; that all who passed should have the right to demand that a Government inspector should report on the state of their schools. If we could have as inspectors men accustomed to teaching, accustomed to test the results of teaching; and if they could enter such schools as the proprietors were anxious to have reports upon, the result would be to establish the character of the schools that were inspected, and to show that those that were not inspected were unworthy of support. In this way we could create an opinion in favour of good schools, which would do more than anything else to help good teachers. There were many good ladies' schools, but many more bad ones. The great majority of parents were utterly unable to distinguish between good schools and bad ones. When children were first sent to a school, much result was not expected for six or twelve months, for the results of education were slow in manifesting themselves. If children were removed at the end of six or twelve months, it was felt that that time had been lost, as was also the time spent in getting into the habits of the next school. And this was the way in which we wasted the time of our children. Therefore a public supervision was needed, and the best thing we could do was to press for the passing of the second part of the Endowed Schools Bill, which would secure efficient registration and inspection.

The PRESIDENT (Mr. Hastings) thanked Miss Sheriff for her very able and most interesting paper, and congratulated the Section on the discussion. He quite agreed with Miss Lewis that the fact of their discussing the question was gratifying evidence of the progress of public opinion on the subject, and it was quite true that twenty years ago no such discussion could have been held. In the earliest days of this Association even, it was thought beyond measure extraordinary, if not to be reprehended, that ladies should contribute papers to the Association, much more read them in public; and he remembered the excitement caused when women did come forward in the ranks of the Association and give the benefit of their experience and wisdom. And he attributed a great part of the good which this Association had effected during the last fifteen years to the fact that women of high education, attainments, and character, had come forward and told what they knew to be true on various subjects on which they were better informed than men were. He, therefore, looked forward with great hope to the effect that would be produced on this question by the counsel given in public by educated ladies, who knew the wants and aspirations of their own sex. He did not conceal that for the present it would be a very up-hill fight. Judgment must not be formed from the opinions expressed in that room. There was a large outside public which had no sympathy with the movement. Of the British Association he would speak with profound respect; he had served on its committees; no body had done so much

for the true advancement of science; but he certainly felt humiliated as a man by the observations made by men on the paper read by Miss Sheriff at the last meeting of the British Association. He did not controvert the truth of what was said by several speakers; the misfortune was, they looked only on one side of the subject. One, for instance, said that what he wanted as a wife was not a lady who could write a paper and speak in public, but one who could sew buttons on his shirts. That was a most useful occupation, to be encouraged in a proper place, and it was quite right to wish that buttons should be sewn on well; but it was absurd on the part of the speaker to suppose that he thus ended the question of the higher education of women. An eminent author once said to him (Mr. H.) "I want a woman who can cook a dinner well." We all think dinners ought to be well cooked, and women who could cook them well were valuable members of the community, and ought to be properly rewarded; but inasmuch as it was impossible that all women should be employed in cooking dinners or sewing on buttons, these necessary duties constituted no reason why women should not be better educated than they are. No doubt many men were perfectly satisfied with women of that type; and he never quarrelled with any opinion. It was happy for the world that we were so constituted that there were diversities of opinions and tastes; but what he objected to was, that whilst he did not quarrel with others for their opinions, they quarrelled with him and his friends, because they said, "We do after all desire to associate with women who know something else than how to cook dinners and sew on buttons. We leave you to your companions; leave us to ours; and leave us to advocate the education of those we desire to be ours, to say that in our belief women ought to be educated so as to bear their share of the intellectual work of life, and be fit helpmates for man in the various grand works there are to be done in the world." The question was, how the want of teachers was to be met? He believed in regard to the education of women as well as that of men, the real means of obtaining a high education was to have a good final test. This was the one machine you could work so as always inevitably to produce the same result in the long run, however slow at first the process might be. One of the worst omens he knew of the little progress making in the higher education of women, and of the up-hill fight involved, was that so very few schoolmistresses of schools for the upper classes had been willing to avail themselves of the university local examinations. When, last year, he succeeded after some difficulty in persuading the Committee of the Cambridge Local Examination at Malvern, of which he was chairman, to open it to girls, he was in hopes that some girls from the schools of Malvern would have been presented for examination. It was a place the streets of which you could not traverse without coming in contact with schools for girls; a large number of girls were being educated there, and, after a fashion, well; but not one of them came up for examination. He took the pains to see more than one of the schoolmistresses. In one lady, of whose character and attainments he could speak with the highest respect, he pointed out the advantage the girls and the school would receive from the examination, if she would avail herself of it; but she steadfastly refused, saying that no girl from her school should go into the examination, and she gave as her reason that no girl ought to go through anything that was public. The publicity amounted to sitting with others at a desk in a room, in the presence of a lady secretary, and it was far less than that which attended the half-yearly gatherings at many schools at which the young ladies publicly sang, and performed on the piano. He was driven to the conclusion that the real reason why schoolmistresses did not wish girls to go in for the university local examinations was that they knew those examinations were strict, searching, and impartial, and that inaccuracy of knowledge on the part of their girls would be at once exposed. Once more he would urge those who desired to see the education of girls improved, to do all they could to create a public opinion, especially among parents, in favour of these examinations. If it once became a fashion, even among a small per-centage, to say, "We require from you some test of your capacity. You have never passed an examination; you are not registered; we have no means of knowing what your attainments and your capacity are; but you can give us one test; you can send pupils to the local examinations. If you do not, our girls shall not go to your school; if you do, we will narrowly watch the result, and by that we will be guided;" a great change would be effected. This was an easy course for parents, giving no trouble and no responsibility; and

if it were adopted, in a few years the education of the upper and middle classes would be enormously improved. It was to be feared that at present parents were to blame. He was forced to the conclusion that much harm was done in the education of girls by the reluctance displayed by mothers to their daughters being thoroughly grounded in and well taught some useful branches of education. He knew the institution at Cheltenham to which Miss Sheriff alluded, and its excellent principal, from whose lips he had heard the history of that establishment. It was now, he was glad to say, most thoroughly successful, but it had to go through a very long period of difficulty, during which it became doubtful whether the college could be continued. Of all the difficulties which the principal had to contend against, the greatest of all was the discontent of mothers of the girls placed under her care, because she refused to devote a great part of their time to merely superficial accomplishments, and insisted that they should be thoroughly well taught sciences, history, languages, and all the more solid parts of education. Some eight or ten years since he was at the house of a gentleman distinguished in the Indian service, when a little conference took place between this gentleman and his wife with regard to the education of their daughter. The father had placed her and wished her to continue at the Ladies' College, at Cheltenham. The mother made the old complaints on the subject, because her daughter was being taught nothing but dry and useful subjects, and she could not conceive what was to become of her when she came out, if she was not allowed to give up the greater part of her time to singing and the piano. The poor woman, speaking as though this was one of the most profound truths to which the voice could give utterance, complained that the husband desired the daughter to be taught like a boy. Until mothers saw the necessity of training girls in a great measure as if they were boys, and took care that they had some of the substantial knowledge imparted to them that it was thought necessary to give to boys, no real good would be done. It was only through such meetings as this, and through the influence which public bodies like this Association could bring to bear, we should ever succeed in establishing a sound public opinion. It was absolutely necessary that there should be provided some means of training ladies for the great profession of teaching. He was glad to hear Miss Sheriff say the other day that there had lately been a college established by individual enterprise at Chichester, expressly for the purpose of training ladies of the upper and middle ranks for the work of teaching. It was quite true that the object was to employ them in teaching, not their own class, but in elementary schools—a most excellent object, and he trusted it would be carried out fully. He could not conceive any greater improvement in national education than the bringing of the high moral influence and the refinement of highly educated ladies to bear upon the teaching of girls of the labouring classes. At the same time we must not forget our own class. If a college could not be established for the training of young ladies to teach those of their own rank in life, what Dr. Hodgson had said gave hope that the question might be solved in other ways. Whether right or wrong, desirable or undesirable, the Government would not take the matter up. Miss Carpenter had been often enough in communication with Mr. Lowe to know what was the prospect of obtaining Government help. Unless the universities could be induced to take up that portion of their duty which they had hitherto neglected, that of training both boys and girls so as to make them highly qualified teachers, we must fall back upon such institutions as Dr. Hodgson had referred to, schools of such a size that it was possible to arrange the classes on a scientific plan. If educated women heard qualified men give lectures, they would in time learn to give lectures in the same fashion; and it would seem possible that even from these schools there might be obtained in time female teachers to teach women of the upper classes. If such institutions were properly supported, a few years would see an end of our difficulty in the obtaining of trained teachers. He quite concurred in the suggestion to keep the question before the Endowed Schools Commissioners. Lord Lyttelton wished, not only to make the best possible use of all endowments, but also to devote as large a portion of them as possible to improving the education of girls. In their report the commissioners dwell strongly upon this branch of the subject, but still they had much to contend with. Many endowments had passed away into the hands of boys, and it was not easy to get them back. One example of gross injustice was furnished by Christ's Hospital, which was intended to educate equal numbers

of boys and girls, whilst it educated only eighteen girls as against hundreds of boys. It was not possible to redress the injustice of the past, but something could be done for the future. He was in favour of bringing every possible pressure to bear upon Government and the Legislature to induce them to say that in future all endowments should be divided equally between boys and girls; and that girls, as one half of the population, should have one half of that which is publicly devoted to purposes of education. He concurred in the suggestion of Mr. Lambert that in any future schemes "child" should be substituted for "boy," so that, however impossible it might be now to use an income equally for both sexes, there shall be no future difficulty or obstacle to having the funds so applied. What would be a solution of the whole difficulty it was impossible to hope for now, though it had been already adopted in the United States with the best possible results. That was the plan of mixed education for boys and girls of all ages up to the time of their leaving school. Sixteen years ago he received from Mr. Horace Mann, then at the head of a large mixed college, a letter in which he gave an account of the system of mixed education existing there. From his own experience and that of his wife, Mr. Mann said that, so far from the evil results which were often prognosticated being produced, the results were of the most happy description; the education of boys and girls was far better carried on in unison than it could be separately, and to that system of mixed education was owing the fact that the United States were able to give the blessings of education to their whole people. Separate schools for boys and girls necessarily involved double expense, while, if they were educated together one endowment could be used equally for both. He did not believe this could be carried out in England for some years to come, but he believed it would be the best possible solution of the difficulty. The education for boys and girls of all ranks would be obtained by educating them together under the highest system which could be devised.

Miss SHERIFF, in reply, said that in her paper she dealt with intellectual education and school instruction, but not with moral education, which was more a question of home, and you required to widen the circle of a woman's interests, and to strengthen her reasoning powers in order to strengthen her moral qualities. She did not take industrial training into consideration; that was quite separate: she desired to give a general education first, and then let the pupils supplement that by industrial training. If the young ladies in the Edinburgh school were not allowed to practise as well as to listen, they could never become trained teachers. Girls' schools should be provisional only. Train boys and girls alike, and their natures being different, the results would be diversified.

Mr. PEARS moved the following resolution:—"That this meeting, believing that the registration of teachers and the inspection of middle-class schools provided for in the Endowed Schools Bill, Part 2, will afford valuable public provisions for the better secondary education of girls, requests the Council of the Association to urge upon the President and Vice-President of the Privy Council the necessity of re-introducing that measure into Parliament at the earliest possible opportunity."

The Rev. Mr. BROOKE LAMBERT seconded the resolution, which was carried unanimously.

SCIENTIFIC EDUCATION.*

On the Present Relation of Science to the British Government, and Public School Education. By GEORGE GORE, F.R.S.

IT is a matter of great importance to this nation, and of special importance to the scientific men of this country, to clearly realize the position which science at present occupies in relation to our Government. That position will probably be brought to light by the evidence which is now being given by our leading scientific

* See *Transactions*, 1871, p. 384.

men before the Royal Commission for the Advancement of Science.

For many years science has been of immense practical value to us; it has by means of its discoveries originated all our telegraphs, railways, steam-ships, gas-lighting, photography, electro-plating, artillery, and nearly all our great manufactures. It has led to the expenditure of hundreds of millions of pounds upon these and other matters; and at the present time this nation largely exists upon the applied results of scientific discovery. There was a period when we did not possess such evidence of the great value of science, but that time has passed away, and our governing men have had abundant proof of the national importance of scientific discovery, and of the essential dependence of the welfare of this country upon scientific research. It is upon these grounds that our Governments are expected to consider their duty with regard to science.

It is the duty of the State, and not that of individuals, to prosecute scientific labours, the results of which are indispensable to the welfare of the country, and the benefits of which are reaped, not by the scientific workers, but by the nation at large.

Scientific discovery and research (as distinguished from invention) is national work, and it is a duty of the State to provide and pay for it, because the results of it are of immense value, and indispensable to the nation; also, because nearly the whole benefit of it goes to the nation, and scarcely any to the discoverer; and because there exists no other means by which scientific investigatros can be paid for their labours.

It is barely credible that whilst the non-productive classes of the community are protected in the enjoyment of titles and material wealth which they have not earned, the greatest scientific workers and benefactors of the nation receive actually no payment for their labours, and the nation in general, and the non-productive classes in particular, reap the pecuniary benefit.

It may be objected that scientific men ought either to sell their discoveries or protect them by means of patents. Neither of these cases are possible; scientific discoveries, although of such great value, are not saleable things, because they have not been converted by the process of invention into practical shapes, and because they cannot be protected by patent. They cannot be protected because they are so universal in their applications; a single discovery often originates more than one hundred inventions, as may be readily seen by the number of patents taken out for the application of a single-discovered substance, such as gutta-percha or india-rubber. No man could have secured to himself the discovery of the chemical action of light, because of the great number of persons who would have applied it to useful purposes and used the applications; to claim such a discovery would be a considerable approach towards monopolizing the benefit of light itself. It is only when a discovery has been adapted to some particular use in some special way by means of invention, that its discoverer can protect a part of it by patent, and reap any pecuniary benefit; and to protect it com-

pletely would require it to be applied to all the practical uses of which it is capable, which could only be effected by means of many inventions.

Scientific discoveries, being of universal utility, like the light, the land, the air we breathe, belong by their very nature to all the nation. From the moment a discovery is published it gets copied into all the scientific publications; it immediately becomes used by teachers for the purposes of instruction, and by inventors generally as a basis for patentable inventions, and in these ways it becomes at once national property, and no law can prevent it.

It may also be objected that scientific men should not make discoveries if there is no payment for such labour. Many men are impelled by a natural desire to do good, irrespective of payment, whilst others are equally selfish and live upon the labours of their fellow-creatures; and if such men did not make discoveries we should be without most of the luxuries, comforts, and conveniences of life. Every man who benefits his fellow-creatures, or labours for the good of the nation, is entitled to means of existence, and the only just course is to provide means for his support.

It may further be objected that scientific men should keep their discoveries secret, but that would be worse than useless, because discoveries cost great skill and labour, and, when published, are of great value to mankind.

The general aspect in which science is viewed by many persons is that of a refined, intellectual pursuit, which may be encouraged and honoured for the purpose of maintaining the tone of society, but which must on all occasions be considered as secondary to the *more apparently* practical requirements of national life, and be sacrificed to them; but this is a superficial idea, and has its origin in the low state of scientific knowledge. Science is eminently practical; scientific discovery lies at the very basis of national progress, and is the origin of nearly all the practical advantages of civilized life. The idea of men being able to honour demonstrable truth is simply an ignorant conceit; science cannot be honoured by any one; and the question is, not whether the State shall encourage science as a refined intellectual occupation, but whether our Governments will consider the welfare of the nation in its relation to science.

One of the first duties of a government is to protect its subjects in the enjoyment of their property, but as no law can reserve to discoverers the fruits of their industry, and as scientific discovery is national work, it is clearly a duty of the State to pay for it. It is as certainly its duty to provide and pay for original research, as for its military and naval establishments, because the development of the industry and warlike appliances of a nation is quite as important as the maintenance of its means of defence and aggression; and we must not forget that our great cannon, explosive missiles, and armour-plated ships, would not have existed but for the discoveries of scientific men.

Since the last Paris Exhibition an opinion has gradually spread,

that in consequence of our neglect of science, foreign nations are supplanting England in her manufactures; but whether this opinion is, or is not, correct, there can be no doubt that national superiority can only be maintained by being first in the race, and that, as a matter of prudence, we should not neglect any precaution which is necessary to the welfare of the nation.

The condition of science in this country has become most unsatisfactory, largely in consequence of its neglect by our governments. Several of our most able investigators have ceased to make researches, because the State does not pay for such labours; several, also, of our most eminent discoverers have died, and others have not arisen to take their places. The discoveries in chemistry by British chemists, published in the *Journal* of the Chemical Society, have diminished, almost to zero, whilst those of foreign chemists have so increased that the journal referred to is almost filled with them.

In all directions, wherever we examine the state of knowledge of science amongst the governing men of this country, we find it very defective, and attended by results seriously injurious to the welfare of the nation. Gentlemen who are comparatively ignorant of science are appointed by our Governments to decide scientific questions. Only recently, May 21, 1872, a memorial of the British Association, signed by the eminent president, Sir William Thomson, was sent to the Lords of the Treasury, applying for a sum of 150*l.* to continue a series of observations on the tides, upon which the Association had already expended 600*l.* from its own resources, and which was essential to a more complete knowledge of the tides, and consequently to the safety of our navy. The reply to this application was most civil, but putting upon it the most charitable construction, it exhibited a degree of ignorance of the national value of science most painful to contemplate. The reply stated, "that their lordships had given their anxious attention to the memorial, and they are fully sensible of the interesting nature of such investigations; but that they feel that if they acceded to this request, it would be impossible to refuse to contribute towards the numerous other objects which men of science may desire to treat scientifically. Their lordships must, therefore, though with regret, decline to make a promise of assistance towards the present object out of public funds."

Here was a subject of great importance to the national welfare, and which it was the duty of the State and not that of the British Association wholly to pay for, treated as if it was only an investigation which men of eminence may desire to treat scientifically. Their lordships were apparently not aware that ignorance of the course and heights of tides often leads to shipwrecks, and that their refusal of 150*l.* might lead to the loss of some valuable ships; they seemed also to have forgotten that the loss of the ill-fated "Captain" was due to neglect of science. Such a want of knowledge in any private appointment would be a sufficient reason to remove from his post the responsible person. It is difficult to believe that the government of a maritime country should be so ignorant of science as to decline to make even a promise of assistance out of the public funds of the

small sum of 150*l.* for such an important purpose, whilst it expends immense sums of money upon ships. Their lordships were manifestly unable to appreciate the importance of the application, or to perceive the duty of the State to pay for such labours, and instead of acting upon the opinion of disinterested men of the highest eminence on the subject, declined to accede to the request.

Gentlemen who are but little acquainted with science, are also appointed by our governments to direct eminent scientific men in scientific matters, and the results, as might be expected, are most unsatisfactory. A recent melancholy instance of this kind, which is degrading our Government in the opinion of other nations and of all well-instructed persons, is fresh in the memory of the public. Mr. Ayrton, the Chief Commissioner of Works, was placed in authority over the eminent botanist, Dr. Hooker, and presumed to interfere with the management of the hot-houses under Dr. Hooker's care. There is scarcely a scientific man in this country who has not frequently suffered from similar ignorant misdirection, but the circumstances have not happened to become public.

If governing men possessing the requisite knowledge of science for such posts cannot be obtained, it is quite clear that those appointed should not be entrusted with the power nor burthened with the responsibility of directing subjects they do not understand; and the course indicated in such a case is a division of labour, making the scientific officers under Government much more independent than they hitherto have been.

The origin of all these evils lies largely in the defective state of scientific instruction at our old universities and great public schools. Our governing men, having been chiefly educated at those institutions, have been but little instructed in science. In addition to this, science has advanced so greatly during the last few years, that it has become an immense department of national life requiring a special education to understand, and has left our old institutions behind.

The heads of colleges and the head masters of nearly all our grammar schools having also acquired their learning at our old universities, have been but little or not at all educated in science, and, in consequence of this, scientific instruction is in a low state throughout nearly the whole scholastic system of the country. Further, the Endowed Schools Commissioners, now pursuing its labours, recommends "that all lecturers and teachers" in various grammar schools of this country "shall be appointed and dismissed by the head masters," and that "the said head masters shall have under their control the choice of books and the method of teaching" in those schools. A result of these provisions will be, that the system of appointing gentlemen comparatively ignorant of science to direct teachers of science will be continued, and scientific instruction will continue to be degraded in the grammar schools of this country. These very proposals prove that the gentlemen who made them had not been well instructed in science.

The practice in this country of placing gentlemen comparatively ignorant of science to legislate for science, and to direct scientific

men in Government offices and public schools, is one of the most effectual that could be devised for retarding the progress of the nation in all those departments which depend upon science. If scientific men are to be legislated for and directed, justice requires that it should be by men possessed of an adequate amount of scientific knowledge.

To partly remedy the unsatisfactory state of science in this country, we require a State Minister of Science possessed of scientific knowledge and good administrative ability; a scientific council, to advise the Government in all important matters relating to science; and a State laboratory for original scientific research.

The funds for a State laboratory already exist; the sum of nearly 600,000*l.* has accumulated in the form of fees received by Government for the granting of patents for inventions; and, as the discoveries made by scientific men form the materials by means of which those inventions were made, the money thus accumulated may be justly claimed by scientific discoverers as a source from which their labours should be remunerated by the State.

As long as scientific men continue, at their own expense, to do the work which ought to be paid for by the State, so long will the governing classes of this country, impelled by the selfishness which pervades them in common with all mankind, and unenlightened by knowledge of science, neglect that duty, and reap the chief benefits of such labours.

The time has arrived when this great national evil should be made publicly known and put an end to; and our men of science should present a memorial to our Government, claiming, as a matter of justice, necessary for the nation's welfare, that the accumulated fees from patents should be applied to the establishment of a scientific department of the State, the erection of State laboratories, and the payment of discoverers for the national work of research.

Should our governments continue to neglect these just claims and disregard the evidence collected by the "Royal Commission for the Advancement of Science," the decline of original scientific research, which has already commenced, will continue. The probable results of this will be, inventions will become scarce; new trades will not be developed; improvements in agriculture, arts, manufactures, means of defence, and many other important matters will decline; the value of houses and land will diminish, and our commerce will pass into the hands of more far-sighted nations.

On Scientific Education in Middle-Class Schools. By C. Spence Bates, F.R.S.

NO one can contemplate the rapid progress that the science schools have made during the short time that they have been in existence, and not feel it to be a matter of regret that the results of a similar cultivation had been so long withheld. The eagerness

and persevering success with which they are attended is evidence of the large amount of industry and ability that have been wasted to the country for the want of such an institution as is represented in these schools. There is not a trade or an occupation that can add to the wealth and industry of the nation that will not be improved in character and degree by having the cultivated intelligence of those who have passed through the necessary training that these schools require brought to bear upon it. I am fully aware that these schools are at present on their trial; that they are as yet rather a congregation of science classes than schools; that they are in an incipient and undeveloped condition. The Government have, however, made a good beginning—they recognise the study of science as a national advantage rather than a local benefit. It is impossible to limit the good that one man may do. James Watt, George Stephenson, and the discoverer of the electric telegraph belong to this country, and I hope and believe there are as many as good yet to come, whose character these schools may assist in developing. I say that the Government have done well in recognising the great advantage to the nation that must accrue from an extended scientific education of the people. But in this object it never was intended that the assistance of the Government should prevent the locality from aiding in the great and wise movement. If it be an advantage to the nation at large, it must be doubly so to the locality in which a successful school is established. There the individual is benefited, the family is benefited, the circle in which he moves is benefited, and the whole neighbourhood is benefited. But in the classes at present organized the benefit is circumscribed compared to the good work that they might be made to do.

The present aim appears to have little beyond educating the pupils so as to enable them successfully to follow out the trade or calling in which they may gain their future livelihood with the greatest benefit to their fellow-citizens. No doubt that this is a great national object, and one that is likely to develop much and lasting benefit. In doing as much as this the Government have done all that can be expected of them; nay, for them to do more is probably to overstep the bounds of a wise Government, whose duty is only to give the impulse and aid where it is absolutely necessary. In provincial towns, far from academical and scientific centres, the want of scientific instruction is much felt in middle-class education. The ranks of the professions and the higher walks of trade are recruited from boys who have but a limited power of selection in the pursuit of their education. They have generally, also, from their positions in life, but few years in which to train the intellect.

It is, therefore, most desirable that means should be employed which are likely to produce the best results within a limited period. When we hear that even the low standard of excellence demanded from lads previous to the commencement of any professional study is attained with about 75 per cent. of failures, and of those who satisfy these examiners few succeed without the undergoing of a system of cramming that augurs not well for their future career, when we

observe this, I think that we are bound to come to the conclusion that youths who fill the ranks of middle-class life do not receive that degree of mental training during their youth that is best adapted to their position in life. This must arise from a defect, either in the teacher or in the system. That it is not in the former, I think may be demonstrated as a rule. Unqualified teachers are, no doubt, common enough, but to counterbalance this there are able teachers and successful schools in almost every large town in England. But the fault lies, I think, in the system. A boy comes from an elementary school to one of the grammar schools of the neighbourhood in which he lives. The new master takes for granted that he can read, write, spell, and do his multiplication table, &c., sets him at work in Latin, Greek, Euclid, French, and may be German, and drawing from copies. The lad, at each of these, spends weekly from two to twelve hours, according to the supposed importance of the subject. This he does for nine months in the year for an average, say of three to four years. The consequence is, that youths generally leave school with a little knowledge in numerous subjects, but without that training of the mind which perseverance in any one line of thought, persistently carried to its extreme limits, must produce.

I have taken for granted in my statement that the pupils are attentive and tolerably industrious, that every effort is brought to bear upon the youthful mind to bring out the best results. It therefore remains that, with the strongest desire to succeed on the part of the teacher and the pupil, experience shows us that the mental training is of the poorest. And it is only because the average is so low that the fact is not more perceptible. If, as I here affirm, the fault is not with the teacher nor with the pupil, it follows that it must be in the system. It is not just to lay the blame on the parents, who it is only right to assume are doing their best for their children, and have only limited means at their command. Limited means is another expression for a short period of time for the education. But the plan of training the mind is generally the same, whether the lad works for an academical career, which means a ten or twelve years' course of study, or quits the school for an office desk, after a mental training of, perhaps, three years' duration.

We may with safety assume that there is no nobler mental training than a classical or mathematical education, when carried to its extreme limit. But, on the other hand, there can scarcely be a worse education than the pursuit of these same studies when arrested on the threshold of their cultivation. Education is not so much intended to give knowledge as it is to train the mind to obtain it; and I contend that the present system of education as carried out in our middle-class schools is not adapted as the best system of mental training for those lads whose period of education is limited in time.

While I admit that no education surpasses that of either the classics or mathematics, where time will admit of their study, I contend that the cultivation of science, when pursued as a system of education, will rival either of them. That it does its work more rapidly, and is better adapted to the average capacity, is, I think, very

strongly to be presumed. There is not a profession or calling in this working world that does not demand the result of science as part of its study. This, however, in an educational point of view, is the lowest ground on which to base its claim as a system of mental training. By the term science is meant a close investigation of facts and phenomena absolutely as they exist. This teaches exactness in observation not to be surpassed by any other system of education; and this closeness of observation demands a clearness of expression that more than anything else demonstrates clearness of thought. I think it is to this chiefly is due the great desire of defining the true meaning of words and the coining of others, for science cannot tolerate that the same word should express two meanings. If the cultivation of science rivals that of the older schools as a system of education, it certainly leaves its mark more permanently and effectually in a shorter period of time. This is to be attributed, I think, to the fact that it bears a closer affinity with the tangible world around it, and from its progressive condition corresponds more readily to the probability of human events.

I would therefore urge that a system of scientific training should be given, at all events, to supplement the present curriculum of education in our middle-class schools. And this should be made more imperative on those students whose educational training ceases with their attendance at the school. On pursuing any avocation in life it will be found that a vitality will be given to the studies that have been pursued in accordance with the bearing they will have upon the student's future career, and instead of the old school books being thrown aside, they will repeatedly have to be referred to, as the knowledge they contain will be found to lead up to that pursued in the study of the professional career. As science, moreover, is varied in its walks, it has the power of educating the peculiar bent of the student, and parents and tutors would earlier be able to train the mind in the direction of its future line of thought, and adapt it to the future professional career. But to those who pursue science to the end, raising on it a superstructure of classic and mathematical training, I doubt if a higher or nobler education can be obtained even in our ancient seats of learning, that will train men for all the higher duties of life.

In this great element our provincial middle-class schools are deficient. They train for the universities, or leave the education incomplete; and when the student enters on his calling he commences one to which his previous training is but a feeble introduction. The zeal with which the cultivation of scientific studies and the success which has attended the science schools, especially in this locality, are strongly suggestive that a similar training would be eagerly sought after among middle-class students, to whom scientific knowledge is even more imperative than it is to the mechanic and industrial artisan. Encouragement, moreover, may be given to those studies by endowing them with local scholarships. These at present are seldom given except to those who carry on their studies at one of the universities. There appears to me good reason to presume that

many a lad in his early career would be much encouraged by such a stimulus to scientific study. This stimulus might readily be available out of the education legacies that the Endowed Schools Commission are endeavouring satisfactorily to distribute. Whether this encouragement be given or not, it cannot be doubted but that the cultivation of science in middle-class schools will bring a power to bear upon that portion of our youth that, according to their position, are now most at disadvantage. I mean the middle-class student; who has but a limited period for mental training.

Mr. W. Cave Thomas read a paper on "The Proportionate or Symmetrical System of Education."* He said, there were two radical misconceptions in our present system of education, namely, that intellectual bias should be fostered, and that quantity and variety of knowledge are preferable to quality—a regulated and symmetrical cultivation of the man. It is therefore important, in the true interests of the education of the future, that the superiority of the proportionate or symmetrical system should be demonstrated. This system is based on the two following general positions.

1. Beings in which the greatest number of faculties are concentrated in their mean or moderate degree of development manifest the largest general power.

2. Beings in which any special faculty or group of faculties are inordinately excessively developed, exhibit special aptitudes, but are deficient in general power. Their specialization increasing, as the excentration or disproportion constituting their individuation or characteristic increases.

The regal manhood, therefore, must be that manhood neither in excess nor defect of anything essentially human. Disproportionate development in any one particular would destroy the perfect symmetry, and by so much would the individual so disproportioned be less man. Now the cultivation of bias or special intellectual or physical idiosyncrasies, inevitably tends to foster and increase what is evidently a bias, predominance, or disproportion in the nature, and therefore still further to injure the manhood; and not only is the disproportionate development of any formation or faculty in the man himself detrimental to human nature, but the modern tendency to "cramming," to meet the absurd notion that the excellence of an education is in proportion to quantity and variety of knowledge obtained. The leading principles of this doctrine, applicable to education, may be here stated.

1. That all wrong, imperfection, disproportion are aberrations from mean or average conditions. The mean, therefore, is the measure of rectitude in all things of the proportioned, the symmetrical, or of the good, the perfect, and the beautiful.

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* "The Proportionate or Symmetrical System of Education" forms a chapter in a forthcoming work on the "Central Science or Principia of Wisdom."

2. That any special excess in any system of being necessarily involves a special defect. This is the law of the transfer of power in nature or of excentration.

3. That as the vitality or power in any system of being is a fixed quantity, any excessive expenditure of vitality by one function, or group of functions, must be compensated by inaction in others, or by the system generally, by a period of absolute rest; otherwise organization will be impaired, the common store of vitality unduly drawn upon, and existence shortened. This expounds the great law of compensation, by which irregular activity in body or mind may be corrected and health restored.

4. That the lawful limits of departure of a system from its mean conditions are those of moderation, which permit variation within the tenor half of all its possible fluctuations.

Now, if we consider the mode in which our knowledge of the external world is obtained, we shall get the clue to the true system of education. 1. Impressions of the external world are received by the outpost observant senses. 2. The impressions received are registered in the memory. 3. These remembered impressions are orders, systematized, and utilized by reason. There are, in fact, the receptive, the retaining, and digestive process of the mind as of the body. It is therefore obvious that the aim of education should be to train the senses to observe properly, the memory to retain, and the mind to reason rightly. Observation, memory, and reason, then, are the three essential faculties of the intellect, which education has to symmetrically develop. This gives the basis on which the setting up of schools of the kingdom should be constituted; for this purpose it is important that those studies which are essential to the development of the manhood should be separated from those which are mere amplifications, speculations, or superfluities. These, then, should be such as are calculated to educe the moral consciousness, the reason, the senses, and the body, and are embodied in the following six points:—(1) The government of the man: *Ethics*—religion; scientific ethics; the laws of health. (2) The rational faculty: *Mathematics*—Arithmetic; geometry; logic. (3) The observing faculties: *Art and science*—Drawing; modelling; music; geography; writing; experiments. (4) The retaining faculty: *Memory*—By judicious exercise in the various subjects studied. (5) The means of communicating ideas: *Language*—The national language; history; literature; grammar. (6) The physical man: *Gymnastics*—Walking; riding; rowing; &c. The paper entered very fully on the importance of point 3, and which is very much neglected in our present system.

Thoughts on the Right Curriculum for National Schools. By Professor FRANCIS W. NEWMAN.

ONE who writes from his private study, and not from a school board or in the circle of actual schools, is liable to overlook practical limitations of the possible, and is still more liable to seem to do

so when he attempts to lay down what is a desirable course of instruction. In the abstract the best is most desirable; yet the best is attainable only by the few, or by the minor part. Besides, there is a great practical difficulty, which is not here overlooked, in the transition from an existing system to a new system. Nevertheless, without principles to guide us, no solid national progress is possible. If the right thing cannot be done instantly, yet it can be kept in mind; and efforts may be made systematically to work in the right direction. Then a sound principle becomes a guiding star, however remote.

I. The first principle which I advance concerning national education is, that the industrial training which aids every boy and girl to earn an honest livelihood, is of earlier and more wide-spread importance than liberal and refining instruction. Many a poor boy, educated at the old grammar schools, has gone to a university and raised himself above his class; and if his neighbourhood and family lose him, no national harm follows, even when the lad so promoted does not prove to have the accomplishments of a Whewell. But the Americans of the United States have already found that there is danger of the preference of mental labour to hand labour spreading too widely. All must not aspire to rise above hand-work, or many will become sharpers and swindlers. The wholesome order of things is, that labour should be made intelligent and profitable by the skill and intelligence of the worker, and that common art should be so enlightened and so directed as to tend towards science as its goal. This was the original and excellent idea of the Mechanics' Institutions.

In the present development of social life, reading and writing may be regarded as industrially necessary, even though writing be limited to the power of signing one's name, or writing a short, clumsy letter. I do not say the same of arithmetic, taught as it is in common routine, especially when "rules" are given, of which the pupil does not understand the reasons. Illiterate persons are often quicker and surer, in small commercial calculations, than those who have had a pedantic instruction in arithmetic. To understand vulgar fractions fundamentally is perhaps the main point, and will quickly supersede all rules.

But to cultivate the eye and hand, in and by the use of various tools, is of endless industrial value. Some one has yet to develop a systematic teaching of what may be called carpenters' drawing; this teaches the eye to measure accurately, as well as the hand to use rule and compass. The arts of netting, knitting, plaiting, stitching, and sewing of leather and canvas, and all such sailor's accomplishments, are as well suited to every boy as the use of the needle to every girl. If circumstances and supply of materials allowed, it would be excellent also to have practice with the axe and saw, and to learn mat-making and basket-work. The more various the cultivation of the hand and eye, the more efficient will the labourer ultimately be in any special work. Definite trades cannot be taught

in a national-school system; but the faculties may be trained which will be serviceable in all trades.

As a part of the same principle here advanced, it follows that the knowledge and information which aids each human being, whether to earn a livelihood, or to protect his life, should take precedence of other knowledge. Prominent here is the knowledge of the laws of health. Elementary instruction on this matter would draw its material from physiology and from the doctrine of heat and of foods, but it would not aim at a scientific form any more than at scientific completeness. But the poorer classes especially need to be taught the danger of dirty houses, dirty habits, and dirty neighbourhoods; the nature of gases, and the difference of pure and impure water; the folly of spending on luxurious food or needless drinks, and then submitting to an unwholesome dwelling because a wholesome one is too dear; the difference of eating and of digesting; the evil of intoxicating drink; the folly of wearing a drawing-room dress while engaged in work, and many other very hurtful follies, which are sometimes as pernicious as vices.

Another topic of primary importance for working people to learn is, the law of prices and of wages, which may be called the laws of the market. These laws pre-suppose the idea of private right in the things sold. Of course political economy is the source of instruction here; but it is as morals, not as political economy, that the subject should be presented to the youthful mind. I believe that all who know how Mr. William Ellis addresses boys on these subjects confess that he has entirely solved the problem, using the doctrines of economy as a mode of eliciting moral decisions, and strengthening the moral faculties. When the working classes, in the opinion of those a little richer, go wrong in political economy, it is almost always on some point which may be called immoral, and it is from a more sensitive morality that the correction must come. Thus in the strikes, the compulsion used against workmen who are unwilling to strike, the cruelties against those who will not join the unions, the attempt to starve them by forcing masters to refuse them work; these injustices of workmen against workmen are what shock us. Mr. William Ellis would deal with the whole topics as a moral problem intelligible to a boy.

II. A second principle that I regard as needing peculiar stress in the present crude state of English thought is, that morals of necessity come earlier in time than spiritual religion. If by religion people mean bowing to a statue, or kissing a stone, or any outward gesticulations, little children and men brutally ignorant are competent for that. But if our nation has attained, as I think it has attained, a high idea of religion, as a moral enthusiasm pervading all the sentiments, and filling us with love to God, they ought to open their eyes to see how much of moral understanding and pure desire this presupposes. And there is a familiar Scripture text which pointedly brings out the truth: "He that loveth not his brother whom he hath seen, how shall he love God whom he hath not seen?" If by

God is meant some powerful monstrous being, the idea can be received without previous moral development; but if He is to be the object of reverential love and adoration, we must first hate the evil and love the good, well knowing the difference. The word religion is Latin, and by etymology (*religere, religens*) means reflective, scrupulous; and he who is warily observant of duty, and cautious of accidental wrong-doing, has the essence of "religion." Moral understanding being made the basis, the idea of a holy God, so eminently characteristic of Judaism and Christianity, may be built upon it; but if there be no moral basis, the religion will presently slip back into the pagan notion of a capricious and immoral god. A child is seldom capable of receiving theological ideas at the tender age at which they are hurtfully intruded. The child has to learn reverence to elders, obedience where obedience is due, justice to equals, kindness to all, gentleness to inferior animals, abhorrence of cruelty and of every abuse of power. Until by numerous concrete facts the just and the unjust, the kind and the cruel, the generous and the selfish, the self-restrained and the greedy, the pure and the sensual, and other such moral contrasts, are understood and felt, the idea of abstract goodness cannot be formed, much less can it be incorporated with the mighty conception of a Ruler of the Universe, an Omnipresent, Eternal Being; and goodness must be loved for its own sake, before any one can love God for the goodness ascribed to Him.

Moral instruction has its foundation in social and political life. A child which has known the tender care of parents, and the mutual affection of brothers and sisters, will quickly understand the lesson that we are members of one body, mutually helpful or mutually hurtful, and all the duties which can be shown to flow out of the fact. I have already alluded to the mode in which Mr. William Ellis blends morals with political economy. I had the pleasure in former years of forming the friendship of a German gentleman, Dr. Philip Merz, who had been summoned from Germany to superintend a school of boys and girls mixed, in Manchester. He used to teach morals to them in class, by popular methods, with practical illustrations suited to the pupils' age, and I was assured that his lessons were well understood by them, and highly acceptable. If a moral teacher is so set upon stilts that he dares not make himself intelligible by drawing examples from the homely knowledge of his pupils, he will teach them nothing but words, and their glib answers will be only parrot utterance.

The school itself, being a larger society than the home, ought to be a great aid to moral training. Training, I say, as something beyond teaching; for habits are to be formed and tastes cultivated. In a bad school the boys have a code of honour settled by themselves, naturally very defective and erroneous; yet they stigmatize and punish some mean vices, and infuse a hatred of them. In a good school, where intelligent and warm-hearted teachers are in open frank relations with the foremost pupils, the society of the boys will

elevate one another, not corrupt, and will prepare them for the greater world of adult life.

That love of wanton mischief in which English boys (yes, and young men not of the lower classes) so largely indulge, seems to me a peculiar disgrace of the Anglo-Saxon blood. Space forbids my duly illustrating a topic too fertile of daily examples; only yesterday I observed that the name of a street, handsomely enamelled on a tablet fixed in the wall, had been defaced and mutilated, merely because it was within reach. The amount of vexation inflicted by such wantonness is a national evil; and as the servants say, when groaning under it, "Ah, sir! there is nobody to teach the poor boys better."

More grievous still is the fact, that so soon as the Englishman, Scotchman, or Irishman gets beyond the pale of law, and is in contact with other races of men less advanced in the arts of life, he becomes scornful, reckless of right, and brutal in violence. The history of our intercourse with those whom we hold barbarians is sickening and disgraceful. Certainly, hitherto there has been a great failure, or great lack, of moral teaching. Perhaps a great lack is the true statement. The sermons in church presume that morals have already been taught, take it for granted, and think it beneath the dignity of the pulpit to teach it.

Though I hold no morality to be sound which does not insist that virtue is good in itself and man's highest good, yet it is not amiss to add, that, without a certain amount of social virtue which makes a man trustworthy, he cannot become a fellow-worker in organized industry; hence morals are a necessary complement to industrial teaching.

III. I proceed to notice what, especially in a national system, I regard as a valuable aid to moral teaching. It is too much to hope that, except in normal schools, teachers can be secured who, like Mr. William Ellis or Dr. Philip Merz, have an off-hand power of adapting illustration to the youthful mind. Excellent as is such direct teaching when we can get it, we shall often be unable to get it. Therefore the more (I think) that form of poetry is to be valued, which, while kindling the imagination and filling the mind with beautiful pictures, puts it into sympathy with noble sentiment. Poetry also is easily remembered: another great advantage. But there is a matter, I think, of great importance here, which is singularly overlooked: the immense value of elocutionary exercise. A plebeian utterance, perhaps pervading whole classes, is an enormous national evil, separating the poorer from the society and sympathy of the educated. Every master or mistress ought to have a good enunciation, and trained elocution-masters ought to circulate among the schools to secure us against provincial peculiarities. One or two good monitors among the boys or girls themselves (so quick are the ears and pliable the tongues of children), would do an immensity in teaching the pure, clear sounds of the best English; and of a good superior the nation ought to exact, as soon as it is possible, that he

should recite poetry to the children with the right intonation, according to the sentiment or passion required. This presently delights youth, and more than anything else aids enthusiasm for noble thoughts and descriptions. When the pupils repeat and recite one after another, mere repetition fixes sentences in the memory, and they soon love to recite among themselves as a voluntary exercise.

A friend suggests to me that anything which puts the mind of young people into sympathy with high thought, and shows them how deep are the human affections, how terrible the sufferings of one from the ill-conduct of another, would act against that vile and noxious habit, so prevalent, of turning everything solemn into ridicule and bombast; which is the worst form of frivolity. A want of that imagination which enables us to conceive the position and feelings of others, is at the bottom of scorn, rudeness, and much cruelty. Our whole nation is thought by foreigners deficient in that imagination, and thereby unamiable. The cruelty of children to animals notoriously arises from this deficiency; and what shall one say of sportsmen? Moreover, the cultivation of the love of simple beauty undermines the craving and morbid desire of strong "sensations."

To sum up what has been said, while industrial training seems to have the first and most urgent claims, yet moral teaching can never be dispensed with; and without delicacy and accuracy of thought, morality must remain coarse and crude. Far short of essaying anything that can be called high art, so much of refining instruction as aids morality and imparts higher tastes may surely be admitted into a national system.

IV. I have named recitation of select poetry with just intonation, expressive of feeling, as tending to aid moral enthusiasm. I might add, that the same exercise imparts a far fuller knowledge of the English language, and tends to accuracy of thought and a discriminative appreciation of the meaning of words. I now venture to name another refining accomplishment, admirably suited to class-teaching, and adapted to youthful taste; it is, the learning to chant by what is called *sol fa*. Mr. Hullah, within the last twenty years, has widely shown how this teaching may be conducted. No musical instrument is needed. The practice expands the chest, cultivates the ear, teaches to pronounce broad, clear vowels, opens the mind to love simple and noble melodies, instead of the rattling and noisy music fit only for barbarians.

V. My paper warns me to be brief in speaking of that information, suited to enlarge the mind, of which only the foundation can be laid at a primary school. The beginning of that knowledge by which the moderns overtop the ancients is in geography. This should be taught to mere children, for it is not at all above their understanding. Without this prior knowledge a newspaper is comparatively uninstructive and unintelligible. To one ignorant of geography the names of foreign nations are a blank, and a veil of confusion falls over the whole human world. But provided with

previous geographical knowledge, every reader of daily news gradually enlarges the horizon of his thought, even if his scholastic instruction ended too early, say at thirteen or fourteen. To those who can continue at school long enough to receive such teaching, the outlines of physical geography and of astronomy are a vast advantage for giving the rigid idea of physical law, and enlarging our conceptions of the universe, on which the grandeur of manly religion so much depends. Nothing is easier than to add to the topics on which instruction is desirable. Life itself will presently teach to all what is the political constitution and law of England; but every person moderately educated needs to know the moral foundations of the State and of Government, something of English history, something also of what is called the stream of empires. The American schools teach one modern language, or even two. How long children can be kept at primary schools will ultimately depend on the question, how much the parents value the instruction given? and I do not know on how many years we are able to count, and within what ages. I therefore fear that I have set forth enough in the topics previously named, which I here recite:—

(1.) Reading and writing; carpenters' drawing.

(2.) Netting, knitting, plaiting, sewing; use of tools, when possible; indeed mat-making and basket-work.

(3.) Arithmetic taught by principles, with vulgar (and decimal) fractions.

(4.) Laws of health.

(5.) Nature of money. Laws of the market and of property.

(6.) Teaching of morals.

(7.) Recitations of poetry.

(8.) Class singing of a scientific kind.

(9.) Geography.

I am tempted to add as a 10th topic, which *perhaps* does not exceed our power, instruction in the nature and value of wild British shrubs and herbs.

The National High Schools of Denmark. By ANNA HIERTA.

IN the summer of 1868 I had an opportunity of realizing a wish, which I had long felt, to visit the national high schools of Denmark. Accompanied by the daughter of the celebrated Professor S. Nilsson, and well provided with letters of introduction, we started from Malmoe to Copenhagen, and from thence we bent our course to the interior of Seeland.

With regard to its foreign politics, Denmark is a very unfortunate country, always in danger of being swallowed up by its mighty southern neighbour. In every other respect it is one of the happiest nations of Europe. In this fine and fertile country lives a rich,

laborious, economical people, enjoying great freedom under an enlightened government. An excellent education is given to everybody — attendance at school is obligatory, and is kept up to the age of fourteen, and parents neglecting to send their children there are punished by fines or imprisonment.

The subjects generally taught in the national schools are: religion, the Danish language, history, geography, arithmetic, calligraphy, singing, gymnastic exercises, and sewing for the girls. Drawing and natural history are taught in some schools, but not generally in those situate in the country.

Though diminished in geographical extent, Denmark may still hold a position and its former rank, not through a numerous population and material power, but by a high degree of morality and great intellectual culture; and to attain this they cannot afford to miss a single Danish man or woman in the ranks of those who strive for this greatness. The Danish nation, however, while keeping pace with the progress of civilization, does not adopt the exaggerated style of luxury, which causes the ruin of so many countries. Simplicity, cheerfulness, and the hospitality of former days are still reigning there. Women as well as men are very patriotic, and take a lively interest in everything that concerns the welfare of their country. There is a high degree of religious life; this, as well as the large measure of religious liberty which they enjoy, they owe in a great measure to the influence of the Bishop Grundtvig, who ranks as one of Denmark's noblest men, as poet, historian, and preacher. His disciples are called the Grundtvigians, and to this sect the majority of the clergy belong. From the cheerful religion, a religion for life and not for dogmas, which they teach, they have obtained the name of "the happy Christians." Love of their country, the devotion to their fellow-creatures, aspiration towards perfection, springing from the faith in a simple creed, are the usual subjects of their teaching. So intimately is their patriotism united to their religion, that in several churches hymns are sung on the old national (champion) melodies.

The high culture of the majority of the Danish nation may in a great measure be attributed to the influence of their National High Schools. The first practical idea of founding these was conceived by the Rev. Grundtvig, who, now eighty-six years old, has during three-quarters of a century been indefatigable in his exertions to keep awake the patriotism and the religious life of the nation.

The first of these schools was founded in the year 1844, by an adherent and younger disciple of Grundtvig, Kristian Flor (b. 1792). In 1868 there existed sixty of these schools, and eight new ones were to be opened that year. They are all founded by private enterprise, independent of the State, whose contribution to all of them does not amount to more than 1500 guineas. Private men, some eminent scholars from the university, others, the greater part, self-educated men, devote their fortune and their lives to the education of the labouring classes, without any other ambition than that

of doing good. The success of these schools depends altogether on the character and fitness of the director, whose personal character and power of influencing others is of the greatest importance. These institutions are situate in rich and populous parts of the country; some in the midst of beautiful gardens and fields, where agriculture is taught. There is only one in Copenhagen. The pupils are grown-up peasants (bonde), aged from sixteen to thirty-five. Men and women leave their ploughs, their spinning-wheels, to attend a course at the school, which lasts five to six months for the men, and three months for the women, after which they return to their work, which they have been taught to love and honour at the same time as they have acquired other knowledge. The time spent at the school has sufficed to form their minds and inspire them with love for higher things. They have become earnest men and women, accessible to nobler sentiments, remaining all the while simple and industrious peasants. These schools have thus solved the problem of reconciling education and labour, and thus repair, in some degree, the injustice committed by the rich classes towards the poor in neglecting their education. The high-minded, kind-hearted directors are often supported in their mission by their wives, whose cheerful spirit and motherly influence transform those schools into happy homes.

The men are admitted from November till May, for the small sum of 7*l.*, everything included; the girls from May till August (till the harvest time), paying half that sum. Some pupils return two or three years running to acquire more extended knowledge; the teaching increasing successively every year; but the greatest number only visit the school once in their life.

Every education has a particular aim. The aim of these schools is and must be, no other than the imparting of such instruction as will make the young man become a living part of the nation, a conscious member of society, a useful citizen. The principal means to this end are the teaching of history (the genius of the Danes has an historical bent) and their national tongue. Their motto is, "*For life, and not for school.*" Old Bishop Grundtvig tells us his own opinion of it in these words:

> "Far more of value than all red gold,
> It is one God and ourselves to know."

It might be expected that the Bible would be the essential means to acquire the knowledge of God and of ourselves; but they here consider "that the teaching of the Bible and the explaining of the Christian doctrines belongs to the Church and the home, not to them." We ought to translate the Christian truths into practical life, showing by history, by the explanation of the historical myths and sagas (to the study of which great importance is given), that the nation has always been longingly looking forward to the light that appeared in the world with Christianity, thus giving a higher and a

religious meaning to the myths, which at the same time serve to develop the national consciousness.

Religion, though not taught separately, penetrates all subjects, and is never separated from the duties of daily life. Experience has proved this method conduces to a high degree of religiousness, and to a deep and sincere love of the Gospel. Every teacher here considers himself as a missionary, teaching not Christian *knowledge*, but Christian *life;* and how this life ought to reveal itself in action; how every man ought to take upon himself to execute a mission in life—"*a life's action.*" They never cease to make clear and instil into the minds of the young people *that every individual can contribute to the progress and development of the whole nation.*

To give an idea of the organization of these schools, I will describe one of the largest and best, situate at Hindholm, in the interior of Seeland. It was founded sixteen years ago by M. Stephenson, a venerable learned old man of seventy-six years, whose face with its silvery locks expresses as much goodness as intelligence; with the vivacity of a young man, cheerful, clever, full of humour, his conversation is both captivating and improving. He established, thirty-five years ago, an institution for neglected children, devoting his fortune and his life to this and to the High School, which some years since has been transferred into the hands of M. Nielsen, a young man, whom he taught his excellent methods.

The subjects taught at the school are:—1st. The mother tongue and literature, comprising its grammar, etymology, and the knowledge of the best authors. They learn reading aloud well, well to express their thoughts in words and writing, to know the spirit that lives in and characterizes their language, as it has revealed itself in their best authors. Hence, acquiring a taste for good reading, they, on their return home, will procure a chosen selection of books, the reading whereof will for the whole of their future life become a source of joy and instruction.

2nd. Danish history and geography is taught so as to awaken the young men's patriotism, acquaint them with the laws and national development of their country, and the organization of their community. The history of Scandinavia, of other countries, and an outline of church history is added, some parts being treated in detail, in order to give a stimulus to private study.

A director once told us that in teaching history, he always made use of some great historian's works. Thus, to enable his pupils to realize Grecian life, he read in Danish to the elder ones some pieces of Homer; one year the whole Odyssey. They even listened with pleasure to a tragedy of Æschylus, and to a comedy of Aristophanes. In teaching English history, he used Macaulay; in French, M. Thiers's account of the French Revolution, thus acquainting his audience with the point of view of a great Englishman, and of a French statesman. He found that the young profit far more by a detailed account of some part of history, taught from the original sources, than by giving an epitome of universal history.

3rd. Natural science, comprising chemistry, natural philosophy, botany, agriculture, farming, and household economy. In the month of April, the measuring of land and levelling; even the bookkeeping required for a farmer's economy, and the drawing of agricultural instruments are taught.

4th. The principles of political economy. Being present at one of these lessons, where the subject was labour, we heard the teacher, Lieutenant Nielsen, instil into his pupils the duty of honouring manual labour as much as that of the intellect, showing them how necessary is the one as well as the other. Choosing an example from the objects in the room, as, for instance, the stove that warms them during their lessons, he made them think of the number of persons whose concurrence was required to make it; the majority of whom are leading a life full of dangers and sacrifices, such as that of miners, who take the minerals out of the earth's deep; the sailors, who transport it from Sweden to the Danish manufacturers; the work-people of these, who spend their days in hot, close places, &c. "We must remember with gratitude that we owe all our comforts, everything that adds to our well-being, to the efforts and labour of a great number of different classes and countries. When," continued he, "you are sowing the grain in your field, think that it will perhaps be bread for those who write books that instruct you, for those who study sciences, for those who invent machines for the good of the whole human race, and you will feel a great satisfaction, a happy consciousness of being a member of the great human household, whose principle is mutual help."

5th. Drawing, singing, and gymnastics.

6th. There are exercises of reading, writing, and ciphering, for those who are in need of them, although most know this before.

The English language has during the last years been taught at Hindholm, some of the pupils desiring to know it. The Swedish language is taught in some schools.

At Hindholm there is a school for young men also in the summer, but less frequented, and principally by younger pupils; they are instructed in what has been neglected in their childhood, repeat the winter lessons, and study some special subject not generally taught.

There are seven hours' lessons, from seven o'clock in the morning till five in the afternoon, with intervals for the meals and for recreation.

The winter evenings are used for self-study, for reading aloud from good authors, and for practice in singing.

Every Thursday night in the winter a public lecture is given by a teacher, or by any other person taking an interest in the school. All the neighbourhood, men, women, and children, attend these lectures, which are afterwards printed in a monthly paper, *Hindholm*, published at the school.

Excursions are often made in the neighbourhood to look at some first-rate farm or dairy, or at some historical monument, &c.

In order to attain the high object of the school, the following rules are adopted :—

1st. There is no reading or hearing of lessons, not even in history; no repetitions or examinations are required, not even at the end of the winter term.

2nd. All teaching is given by verbal extemporary lectures.

3rd. For this reason it is required that the teacher should carefully prepare himself for each lesson.

4th. No lecture should last more than an hour; the teacher then comes down from his chair to converse in a kind and easy way for about half an hour with the pupils, about what he has told them, when they may question him about anything they do not clearly understand.

Singing occupies a prominent place in these schools, as it is considered one of the most efficacious means to educate the feelings and inspire love of country, and of everything great and noble. Each lesson begins and finishes with a song adapted to its subject.

I shall never forget the deep impression I felt on hearing the fine voices of more than fifty young men strike up the most beautiful patriotic songs. Their faces beamed with happiness. What a company to the peasant during his long solitary walks! what a consolation in days of sorrow! how refreshing in days of hard labour, to sing songs, that lift us above the present to the infinite, the ideal, that spur us to new exertions, to higher aspirations! The pupils themselves choose these songs; and when we were there, they paid us the compliment of selecting some in honour of Sweden and of Scandinavia, and in praise of woman.

If these methods are to be successful, the teacher must be a man of great capacity and high culture. "We aim," they say, "high; but though we hit beneath the mark, we hope that others will succeed better."

Two features of the school particularly struck us: the cheerfulness, and the complete liberty that reigned there. The pupils may at their own discretion attend to the lessons or not, but it is seldom that any one stays away; if this happens, the teacher considers it as an admonition to make his lesson more interesting. As we expressed our astonishment at this liberty, the wife of the director at the Marienlyst school replied, "How can you wonder at it, when you remember that it is minds that we want to catch."

We were present at several lectures, all delivered in a lively, amusing way; sometimes interrupted by hearty laughter, with a view to inspire a taste for knowledge, to develop and to exercise the judgment, rather than to inculcate a certain amount of information.

Now and then there are lectures, or rather conversations, with the pupils, about what I should like to call "the philosophy of life," where they are taught how to apply and make fruitful what they learn at school about such subjects as these: On the relative importance of the intellect and the feelings; how true manliness should become a man; on real and false liberty; on the love of luxury.

Sometimes they treat the signification of certain expressions; as, for instance, what is meant by a popular man and a man of the people; on the true meaning of the word education—on false and true culture.

This latter lecture, often interrupted by questions, was really excellent.

"A well-educated man," said Lieutenant Nielsen, "is not he who wears elegant clothes and keeps a carriage, who has a richly furnished house, nor he who has studied a great deal, who has talents and knowledge; not even he who has been here at Hindholm; but it is he who has got the best character, who is most conscientious, who has learnt to overcome his bad habits and faults, who has a strong will and knows how to govern himself, who is gentle and kind—in fact, he who is the best Christian in the true meaning of the word. These qualities may be acquired in the humblest conditions; they are consistent with the rudest work." He then indicated to them the way to acquire all these moral goods, warning them at the same time against the most common faults of their class.

All listened with the greatest attention to the eloquent speaker, whom I beg you not to judge by my incomplete report; some with emotion, for his words spoke to the heart as well as to the understanding.

There were last year at Hindholm eight teachers, and 190 pupils; 135 in the winter term, and 55 in the summer term.

They all live at the place, in a spacious building. On the door of every room there is a name and a sort of crest; as, for instance, a painted heart with the inscription "affection," or a ring with "unity." The Danish banner was often seen painted on the doors. Two are lodged in each room. As we entered we found some reading or writing, some playing the violin, others mending their clothes or arranging flowers, which, besides the utmost order and cleanliness, were the only ornaments of the whitewashed, simply furnished rooms.

In this building were the dining-room, and a spacious hall for gymnastic exercises and games. The pupils here assemble once a week to reconcile any differences or quarrels that may have arisen; these are tried and judged by a jury, chosen among themselves, the director seldom being applied to. Here they also meet to discuss literary or political matters, a useful exercise to those who later may become members of Parliament—the national representation.

In another building are the large school-rooms, that will hold from 200 to 300 persons, a library, a museum, comprising zoological, geological, and archæological objects; and also a chemical and physical laboratory.

The fare in these schools is that of peasants in general, plain, but good and well prepared.

For breakfast they have hot milk, in some schools coffee, with bread and butter. The dinner at twelve o'clock consists of two

dishes: soup (broth, pea-soup or porridge), and fish or meat (beef, mutton, or pork), with potatoes; coffee at five, supper at eight; this consisting of groed, a national dish, and milk, bread and butter.

In some places they have but one meal in the evening, at half-past seven: hot milk, bread and butter with cheese, or cold meat.

The school is supported by fees paid by the pupils (130 Rdr. (7*l.* for six months), by gifts or legacies. When a larger sum is required for building or buying land, and the director has no fortune of his own, loans are taken amongst the neighbouring peasants, who thus become shareholders in the school, and form a direction, though without any right of interfering with the organization of the school. Some schools are altogether founded in this way, becoming thus public property.

In the summer young women, but none under sixteen years, are admitted from the 1st of May to the 1st of August. They are taught Denmark's history, geography, the Danish language, arithmetic and book-keeping, calligraphy, singing, gardening, botany, sewing, cooking, and housekeeping.

The object is to make the young women good servants or housewives; to teach them to be good tempered, kind, obliging; simple, happy, and contented with their lot; good Christians, good patriots, who, as the song says, "would fain give their best, their dearest away, to serve their fathers' land." They are constantly reminded of their high mission to inspire love for all that is good and beautiful in heaven and on earth, as sister, wife, and mother.

As we approached the girls'-school, situate in the garden, we heard through the open windows a beautiful song, and found, on entering, about twenty young girls, some in their national costumes, seated round a table working, all having the good-tempered, happy expression that characterizes the Danish people. They had their bed-rooms upstairs, large and spacious, each apartment containing a number of beds, and differing in this respect from what we saw at the school of Marienlyst, near Copenhagen, the house and ground of which were given to Bishop Grundtvig on his seventieth birthday by his disciples, where only two girls occupied the same room. On the whitewashed walls of these clean and neatly-kept rooms you often saw the portrait of Bishop Grundtvig, or a small Danish banner, red with white cross, surrounded by a wreath of green leaves. The girls showed us their work, which consisted mostly of gifts for their parents. A young girl of sixteen took out from her little wooden box a large red and white banner, on which she had embroidered, in yellow silk, initials, meaning "a weapon for Denmark." "This banner is destined for the garden of my parents," she said; "it will be spread on all Danish festivals; but if we should have a war, it will come to its real use."

The director's wife generally has the superintendence of the girls'-school, and teaches the needlework, &c. Here this place was occupied by a kind, motherly lady, Mr. Stephansen having three years before lost his wife, an excellent, noble-minded woman, who

was adored by all the pupils. One fact amongst many will prove it. The number of pupils augmenting, a larger building became necessary, but the means were wanting. The peasants of the neighbourhood, the former pupils, then came forward, some giving or lending money, others bringing building materials, stones, and wood, and those who could afford nothing else, giving their work. In this way was erected the large schoolhouse; over the entrance is engraved on a stone tablet, "To the Memory of Dorothea Stephansen, by former grateful Pupils."

What a touching monument is not this of the regard and sympathy which are felt for these schools! We, too, had a proof of this. An innkeeper of the neighbourhood, on learning that we were Swedish, coming over to visit their High Schools, refused to receive payment either for the carriage we had used, or for the refreshment of which we had partaken.

Being pressed to remain, we spent some days with the family of the director, of which the teachers and their young wives, all superior persons, might almost be called members. I never saw a higher degree of contentment and happiness than that which reigned in the home of those excellent persons, devoting their lives to such a noble end. We parted with regret, carrying away with us a high opinion of those institutions, and an impression which will never be effaced from our memory.

There are six of these schools in Norway and five in Sweden, new ones being opened every year. The interest the peasants have taken in their establishment is a guarantee of their success. Fifty pupils announced themselves immediately in each. One was founded by subscription, and by the income of lectures held in Stockholm by several professors; another by the peasants themselves, who become shareholders in the undertaking; they pay a director and rent a house, where there is a large room for the lessons, but board and lodge in neighbouring farmers' houses.

We may hope that these schools will exercise the same blessed influence in Sweden as in our neighbouring country; an influence, exercised not only directly, that is, on the pupils of the schools, but also indirectly on the whole system of education. It is to be expected that, through the just and true principles upon which they are based, their example will give an impulse to bring about a reform in the whole system of instruction, in the government and public schools, where the memory has been too much overcharged with learning by heart, and getting up subjects for examinations and taking degrees. The school thus misses its object, which is so well attained by the Danish High Schools, namely, that of being a preparation for life.

Note.—Peasant (bonde) throughout=farmer; and is not to be confounded with (bonde drängar) farm labourer. These farmers are often men of considerable property.

MISCELLANEOUS.

Mr. W. F. Collier, of Plymouth, read a paper on "Punishments in Education,"* of which the following is an abstract. It might be supposed, he said, if education meant the education of the youthful mind, that some study of the mind itself, and of the youthful mind in particular, would be absolutely necessary before any attempts to teach were made. But this study was wholly neglected as a necessary preparation for the teacher, and though pedagogy was taught at training colleges, it was taught empirically, by precept and example, and not as a science. Even psychologists themselves, it appeared to him, had not sufficiently studied the mind in its youth. There were advocates of men's rights and women's rights, but whoever heard of the rights of children? It was assumed rather too hastily that there was an intuitive and instinctive love of the parent for the offspring sufficient for the protection of the child from evil, and the protection of the law was rarely afforded, and then only in extreme cases. The child was regarded as the parents' own property, with which they could do as they pleased. Until the Elementary Education Act, 1870, was passed, parents were not compelled to educate their children, and even now compulsory education is considered by many to be a violation of the rights of parents rather than an assertion of the rights of children. It was considered a hardship, because the parent loses the little that his child can earn, which is as much as to say that a parent has the right to compel his child to work for him at the sacrifice of the child's own prospects in life. But the fact was overlooked that an injury is inflicted on the labour market by bringing into competition with free labour a compulsory child labour, cheaper even than slave labour. Practically this slavery of the child remains a horrible blot upon our civilization. The reports of the commissioners appointed to inquire into the condition of children in the manufacturing districts and in districts where agricultural gangs are employed rival in horrors the descriptions of negro slavery. The law is very stringent as to offences against the person. Philanthropists have agitated against the flogging of men in the navy, and have succeeded; but the flogging of boys is specially and exceptionally retained. Recently, the flogging of men has been introduced by Act of Parliament, if ordered by judges upon the verdicts of juries in extreme cases; but the flogging of boys is, and always has been, a very common punishment ordered by magistrates at petty sessions for most trifling offences. Men and women have given up by common consent acts of violence against the person as incompatible with a refined social condition, but this is in the case of the adult person; the child is subjected to personal violence whenever it is supposed to have transgressed; and although the infliction of bodily pain has been abandoned as a punishment for children in many families and in some schools, and is by no means as common as it used to be, it may still be considered practically as universally resorted

* This Paper has been published in full by Longmans & Co.

to. He believed it to be a cruel, mischievous, demoralizing, and worse than useless exercise of power. The education of the mind might be divided into the formation of character and the acquisition of knowledge ; the first being the most important, though the least considered. A child is the most helpless and dependent of living creatures. There is no more miserable creature than the suffering child, nor is there a being more subjected to fear or to the painful feelings raised by anger, harshness, and injustice. It has no language to defend itself against accusation, any more than it has the power to protect itself against a blow. The subjection of children is far more complete even than that of women, and the abuse of power greater in due proportion. A child is punished to prevent its doing, or not doing, a certain thing, through fear of a repetition of the punishment. Every blow is therefore a promise of a future blow. You cannot punish a child rationally for what it has done, but only for what it will do. Is this always borne in mind? Is there no anger for what is past? no feeling of retaliation for what you call naughtiness? no feeling whatever in your breasts except the future results of the castigation? Few parents who are capable of sympathizing with them would have the heart to strike the shrinking, cowering, little, sensitive being, if they stopped to reflect that this was really the only object to be attained. You cannot punish for the past; you can only punish for the future. The first result of the corporal punishment of a child is to cause the emotion of fear—an impulsive fear rather than a rational apprehension of consequences, the most disagreeable of all our emotions. The effect of this is to supply a bad motive for action at a period of life when it is most important that right motives should be introduced as the only motives that ought to influence a human being. It is impossible to estimate the effect of a blow on a child, or accurately to estimate its justice. If the offence is the consequence of accident or of failure of memory it is unjust; if the result of anger or revenge, the punishment is the greatest provocative of anger and revenge both in itself and example. By punishment you apply no check to anger or revenge; you teach no lesson of control of those emotions, but you supply the additional emotion of fear that is equally derogatory to our nature. You form the character of the child, not by correcting the motives of action, but you set an example of anger and revenge, and try to check their results by means of one of the weakest of our many weaknesses —fear. He could not imagine a better lesson in anger, revenge, and fear, than this sort of punishment. How are these infirmities of ours first excited in the child? Many will answer that we are born in sin, and are the children of wrath. He had looked for them in vain in the baby ; but they are easily learnt; any example we set will be promptly followed. If we punish for an offence the child will do the same, and will learn its lesson of revenge. It is impossible to punish a child without the incentive of anger. A child is told that such and such conduct will make

mamma or papa angry, and the anger is, of course, coupled with the punishment, and the punishment is the proof of anger. This is inconsistent with the idea that the punishment is not for a past offence, but to prevent a future one only; and the lesson of anger is taught in the most efficient manner possible. Fear is not the only faculty of the mind fostered by punishment. The promptings of fear engender deceit. It is asking too much of a child to expect it to tell you all that it has done if punishment is to follow. And a successful piece of deceit in early life may lay the foundation for the insincere, dishonest, lying scoundrel, who, though he commits no crime, is a pest of society. A child is a great imitator: example to it is everything; precept nothing. By these punishments you teach it fear and deceit for its own protection, and by the force of example you teach it cruelty and violence. You teach it what it must unlearn in after life, when society will not allow it to commit acts of violence on those who offend it. You may attempt to persuade a child that the punishment is for its good, but there is danger also in that; a child will associate the good with the disagreeable, and then, as a consequence, the evil with the pleasant. To cause a child at a very susceptible age to associate parental authority with its most disagreeable and painful experience is a very dangerous course to pursue. Sympathy is one of the most noble attributes of our nature. It may be developed by cultivation, or suppressed almost to annihilation by neglect. Children gladly receive sympathy, but rarely extend it, and nothing is more important than to teach children sympathy. It is easily learnt if properly taught. To sympathise with a child without developing its own feelings of sympathy is to produce a spoilt child—a being happily fast disappearing. To suppress our own natural sympathies, and to govern by strict rule enforced by punishment, is to produce a hard, harsh, unsympathetic man. Punishments are evil lessons in sympathy, and are the greatest violence that you can offer to sympathetic feelings. The object of punishment is to enforce obedience without any reference to right or wrong. It may be very convenient that a child should be obedient, but it is very questionable whether to attempt to coerce a child to be obedient is the best way to form character. To give a child the very worst of motives for obedience is a wretchedly bad commencement in the way of shaping a character. It is much more essential that a child should be obedient for a motive that should constitute a good permanent habit, fit to be established as a part of its character. Is this to be effected by enforcing a blind mechanical obedience from fear of punishment? Is it possible to obtain true obedience in this way? It is an experiment the history of which is a continuous series of failures. Men who obey the law only for fear of the penalty for breaking it, fail in obedience when the penalty can be avoided. The proper formation of a child's character is surely of more importance than obedience. It is highly important that strength of character should be imparted, that in after life a man should not yield to influences for no better reason than to avoid an unpleasant consequence. If the

child is submissive for fear of punishment, will it not in after life be submissive for fear of punishment, if those punishments assume the form of ridicule, slander, or any other cause of annoyance? Obedience is required not for obedience' sake, but for the sake of the result to be obtained. If you teach a child to obey its own will, to put its inclinations and emotions under the dominion of its will, you will lay the foundation of a strong moral character. But if you teach it to obey the will of another, not considering whether it is right or wrong, but whether it will result in punishment to itself or not, you supply the materials of a weak, selfish disposition. The inevitable effect of punishment is to teach a child the highly erroneous moral principle that the most important object to be attained in life, is to avoid punishment. The child is taught the habit of considering the consequences to itself of all its acts, whereas the only proper subject for consideration is the consequence to others. It was impossible to realize the effect of a blow on a child; it was a greater violence to the feelings than a blow between married people, which nothing can excuse. The experience of the world teaches us that in obtaining obedience persuasion is better than force; but the world still employs force, because from childhood the world has been used to force: the social world has been reared in an atmosphere of force. Punishment ended when the child became strong enough to resist, and for no better reason. If punishments are of any use at all they would do less harm and therefore be of more use at eighteen than eight; but the physical force developed at eighteen rendered them dangerous. The punishment of children was a relict of barbarism. Social science makes tardy progress because we do not attach sufficient importance to the social education of our children, and violate first principles in their earliest education by teaching them that which is a radical error in social science, to attempt to govern by physical force. Men and women submit themselves joyfully to superior minds; but who submitted willingly to physical force? Let them apply this principle to the government of children. The history of civilization was only the history of the substitution of mental force for physical force in the government of mankind, and civilization would only be complete when mental influences have entirely superseded physical forces.

A paper on "The Scheme under consideration for establishing Examinations of Public Schools, to be conducted by Members of the University," by the Rev. E. C. HAWKINS, was read. The author stated that when the university local examinations were established, in 1858, a new era for schools began. They were expected to supply a test by which the efficiency of a very large number of schools would be tried, and a motive by which a very large number of schoolmasters would be put on their mettle. It may be questioned whether they have fulfilled the expectation to anything like the extent to which it was entertained. The number of schools from which pupils had been sent up cannot be ascertained from the reports, but the number of centres at which examinations had been held is a

very fair guide; and when it was found that forty-two centres were enough for all those who presented themselves for examination by the University of Cambridge, and that twenty-three were enough for the Oxford candidates, it is safe to infer that the number of places of education from which these pupils came bore as small a proportion to the whole number of schools in England, as the whole number of candidates probably does to the whole number of school boys; for the total number examined by Cambridge in 1871 was 2843; by Oxford, 1697; making 4540 in all, supposing none went in for both examinations, as is the practice in some schools. The question why more schools do not take advantage of this examination is not quite the same as the question why more candidates do not present themselves. One potent reason for the small number of schools is the name first given by Cambridge for these examinations, viz., middle-class examinations. The reason may be very powerful without being very wise. Cambridge has changed the name, which it was never adopted by Oxford, but the impression has been only partially removed; in one sense (not the foolish) experience of these examinations has justified it — that is, they are less adapted for "first grade" than for "second grade" schools, and with some truth; at all events, while such a large proportion of the prizes of the university are given for classics, and in consequence so much of the time of the "first grade" schools is devoted to them. For the classical subjects set are not as a rule up to the level of either seniors or juniors in schools where the cream of the boys get scholarships, and, of course, unless it is a test of the most that the best boys can do, it is of no use as the test of what the school can do. It was also objected that set books interfered with the programme of reading which is generally mapped out pretty regularly, and can only admit particular stages, and in the higher classical schools no doubt the best boys of sixteen would be reading higher books. Another objection is that the examinations tend to diminish the importance of the regular examinations of the schools by their own examiners, and to weaken what may be called the regimental feeling, and *esprit de corps*, which are thought to be important elements of the success of a school. If they did tend to produce this result, he thought this effect would be so far evil. The Cambridge examination falling in the winter, did not interfere with the annual public celebration of schools, held in the summer, and which was so popular with pupils and parents, and this would account for its having more candidates than Oxford. It ought to be an object with the universities to strengthen and employ their *esprit de corps*, instead of weakening it, and it cannot be doubted that anything which would tend to diminish the improvement of the annual examination and speeches would have that effect, and those who knew how powerful is the influence of the *genius loci* in old and illustrious schools, know also that to withdraw the schools from their own building and surroundings at the crisis of the school year, would rob the trial and the rewards of half their importance in the eyes of the boys, even though some glory might be

won by individual scholars. The real weakness of the present system is that it does not examine the schools as a whole, but only the picked boys; and that notwithstanding the great services it has rendered to education, the examinations do not yet perform the highest service they are capable of, that is, for affording a trustworthy test of the efficiency of the schools from which the candidates come. The public hear of the successes, but not of the failures. Unless some pressure is put on schools by the universities, it will be a very long time before schoolmasters will be able to resist the temptation of sending in their "prize boys" for public examination. This is not merely a negative evil, for it not only thwarts the intention of the examination, which was to improve the general teaching of schools, and to furnish a public test of its quality; but it is liable to become a positive evil also, for it presents a strong temptation to devote an unfair share of teaching power to those who were likely to do well, and to bestow less attention on those who are not likely to become promising candidates. The fact that the success of a few boys is referred to as an indication of the excellence of a school, when, in fact, it only proves that boys of a given ability can be trained into first or second classes at certain schools, is evident from scholastic advertisements. The supplementary tables might contain information as to the number of pupils in each school from which candidates presented themselves, and the number of failures. This would give security for the more equal cultivation of all the pupils, and it would prepare the public mind for what would perhaps be the best plan for all—viz., that universities should examine schools only, and not picked scholars. He also suggested that schools should be examined in their own subjects; the non-enforcement of set subjects, which would allow of that elasticity which is necessary in a higher education; and that it might be well for those who manage the examinations to consider the propriety of trying to secure the services of more men who have had experience of school work for the carrying on the examinations which already exist, and those which they hope are to be.

A paper, on "The Public Elementary Act of 1870, and the Codes," was read by Mr. ROWLAND HAMILTON. He said that before endeavouring to form any estimate of the working of the Primary Education Act of 1870, the question arises, what part of this great work can or ought to be attempted by legislation at all? what should be left to the growth of public opinion and morality, stimulating private exertions? and what points are so much in dispute that they must of necessity be eliminated from the field to render any conjoint action possible? However much such differences are to be lamented, it is not the less true that the limits of common agreement are the absolute limits of united action. If the field of action is unduly narrowed, it is not the fault of the Legislature, which does no more than recognise an indisputable fact; and whatever apparent uniformity might be gained in some respects by coercion, the higher powers of the

mind which are required especially for such a work as the present have never been called forth by any such means. Experience and a more enlightened sense of common responsibility only can enlarge the sphere of common action. Not only is far too much often expected from legislation, but the way in which a law can operate is much misapprehended. Its requirements cannot be vague and expansive; they must be specific and definite. Default cannot even be alleged against those who act up to a recognised average standard, and the penalties which give force to law can only be exacted from those who can be proved to fall below such a standard. It is obvious, therefore, that the minimum only of the requirements which the Legislature desires to impose can be enforced by legal or quasi-legal expedients, while if the attempt be made to advance the action of law too far in advance of public opinion, that minimum will be stereotyped, and be taken as the limits of the enforced duty, and of the line beyond which the aggression of Government cannot justly be extended. There is, moreover, a large capacity for individual action, though lying too much dormant, in the country. The mass of detail which would crush and overwhelm a central office, will, when divided among many local authorities, afford a healthy stimulus to personal exertion, and responsible local self-government be thus developed in co-ordination with the more regular official departments in a way from which the best results may be anticipated in the long run, though at first some difficulties will have to be encountered. Hitherto the proceedings under the Act, directly and indirectly, have been voluntary. The compulsory powers will shortly come into effect, and not till then can any opinion be formed as to the way in which its more formal provisions will shape themselves in practice, and a just idea formed from experience of the proportions of the whole scheme. The necessity for the formation of school boards for carrying out the full provisions of the Act, must vary much according to the circumstances of different places. In most cases it will be the first step required in towns to enable them to set to work at all, and the last in rural districts to extend school organization and frame bye-laws, after the preliminary work of providing schools shall have been completed by the existing parish machinery or by personal efforts. The training of teachers is one of the most important parts of the work, and there could be no greater error than to suppose that those who fail in teaching elder children are therefore good enough for infants. As things now are, especially the judicious and skilful instruction of infants must be the basis of the whole system. Taught in their own homes they rarely can be; and in all classes the intelligent association of school learning, with all objects of interest in daily life, is one of the most important ends of true education.

A paper was read by Mrs. AMELIA LEWIS, on "The Object of Female Education." She maintained that the preparation for the object of female life should be based on such a sound and general basis

as will enable a woman either to procure some remunerative occupation if necessary, or to fulfil the law of nature in a rational manner by becoming a wife and mother. She deemed the higher, artistic, intellectual, and professional education for women just now below that of the general fitness for life's duties in importance; to her the question of the broad, sound education for girls appears one of the most important of the day, as its realization will determine the status of the next generation in civilization. What are then the evident necessities to obtain this true object of female life? Large public schools, in which a plan of education is followed, based on the necessities and realities of life. The knowledge of our own tongue—that means the acquisition of the best ways to express ourselves in written or oral signs; the thorough knowledge of computing numbers and quantities, that is, arithmetic; an acquaintance with the globe we inhabit; the laws that direct its existence, the produce of its various zones, and the peoples that have inhabited it, and are inhabiting it, with their historical and industrial development. Some knowledge of our own body, upon which women and girls should by this time be receiving instruction from women capable of giving it; and such a thorough knowledge of our three great wants, viz., food, housing, and clothing, as will fit a woman, in whatever station, to comprehend the immense importance of these requirements, and have the power of supplying them beneficially and agreeably. The cultivation of the voice for singing, and that of the hand and eye for drawing should follow.

Miss PAULL read a paper on "The Education and Employment of the Blind." As no special provision had been made in the recent Education Act with regard to the instruction of the blind, their culture had been left, as hitherto, very much to individual effort, or to the combined action of the benevolent by charitable institutions. For the blind belonging to the upper and middle classes of society, a sufficient number of good schools might surely be established, which should employ, as far as practicable, highly educated blind teachers, who are far more able to estimate the capabilities and possibilities of their pupils than seeing teachers could be. One or more schools have been set on foot. It would be quite possible to go farther than this with the blind children of parents in easy circumstances, and establish colleges for young men and women, where they might attain degrees for proficiency in certain accomplishments, notably music, and to which there might also be presentations for especially clever pupils of a different class from institutions, who had raised themselves to deserve such a reward. Much was left to be done in the physical education of the blind; and if some modes could be devised to give them active exercise—games that should necessitate a freer use of limbs—they would be a great boon. Though the popular belief that the blind have such learning, and such a keen sense of touch as almost to make up to them for their loss of sight, is true to a limited extent, and more especially of those

who have been born blind; yet it must be remembered that a very large number of the blind have become so through disease or accident when past their youth. Music was the art which was most available to the blind, and for which they have the keenest appreciation and delight. Many employments should by its means be open to them, and ministers should be induced to give the preference to a blind person for the situation of organist, all other things being equal.

Mr. WILLIAM BEER read a paper on "The Training System in Use in the Royal Navy." Having entered fully into the particulars of the system since its establishment, he declared that we cannot but contemplate in this training system a vast moral, physical, and professional improvement on the hap-hazard usages which it superseded. We have, however, another service which is suffering from the want of a similar system. Our mercantile navy is becoming annually more largely manned by foreigners. Eighteen thousand men are required annually to supply the waste, for which only 6,000 lads are entered. A movement, commenced by Mr. Moore, of Plymouth, and receiving the cordial support of the Associated Chambers of Commerce, will in a short time bring this question into great prominence. Those of the House of Commons who are interested in shipping, and who press this matter on the attention of the Government, are told that the country cannot educate sailors for the benefit of great shipowners. Granted, but surely we can devise some system which shall turn into a profession open to receive them some of that surplus population of ours which must either emigrate or starve on shore? Surely some plan is to be discovered by which some of the thousands who will be educated at the new board schools can be converted into skilled sailors?

HEALTH.

SEWAGE POISONING.

What Steps should be taken to guard against Sewage Poisoning?
By P. H. HOLLAND.

SOME persons are inclined to answer this question by simply advising us to keep all poisonous matter out of the sewers, forgetting apparently that safety requires filth to be got rid of and removed to a prudent distance before it becomes poisonous, as rapidly and as economically as possible, and that no other way has been, or is likely to be, discovered so quick, so effectual, and so economical as conveyance through the sewers by water. To those who contend that because it is possible to retain filth near dwellings without its being a source of annoyance or danger, by disinfecting it with earth or otherwise, therefore it should not be mixed with sewage to increase the difficulty of its disposal, the reply is simple. It is quite as possible to keep a pigsty inoffensive as a privy, and not very difficult; but it is so difficult as to be practically impossible to enforce regulations by which all pigsties shall always be inoffensive, that in most towns it is found necessary, in self-defence, to insist that there shall be no pigsties at all, and for the like reason it ought to be insisted that no collection of filth shall be under any circumstances allowed. It is neither just nor prudent that the safety of any should be dependent upon the carefulness of all, as it must be if collections of "the filthiest of all filth" be allowed near dwellings, which can only be prevented from becoming actively injurious by the constant carefulness of every family, and the untiring vigilance of the officers appointed to enforce such care. The only safe course is, therefore, to provide for the immediate removal of that which is disgusting and dangerous, and to take care that none of it lodges by the way; for it is less the sewage itself than deposit from sewage from which danger and annoyance proceed. It is when a sewer is allowed to become what is, in fact, a cesspool, that it does harm as a cesspool does. If there be no deposit in sewers, little danger from them is to be feared.

"Little danger;" but is there any danger? Perhaps not, if stagnation of sewage could be absolutely prevented; but that is difficult to ensure, nor is it certain that sewage gives off nothing

injurious before it putrefies, and it is both foolish and wrong to incur any avoidable danger, still more so to expose others to it. Sewers should, therefore, be so constructed, first, that as little foul air shall form in them as possible; and, secondly, that any foul air which does form shall escape where it will do least mischief. To those who contend that the prevention of deposit in sewers will prevent all formation of foul air, and that therefore no provision for its escape is needed, the reply is—Be it so. If no foul air be formed, to provide for its escape can do no harm; while, if there be any formed, not to provide for its escape where it will be harmless, will be to compel its escape where it may be deadly, for example, through the house-drains into dwellings. To prevent the possibility of this very common danger, two simple expedients are indispensable and effectual: free ventilation of sewers outside our dwellings, and absolute non-connection of sewers with the interior of them. The external ventilation of sewers, even in the rude way common in London, namely, by openings from the crowns of the sewers to the middle of the streets, though the cause of frequent annoyance, is almost infinitely safer than no ventilation at all. The escape of foul air into the streets is annoying; but if forced into the dwellings it would be destructive; and London, instead of being one of the least, would become one of the most unhealthy of large cities. The danger may, however, be entirely avoided without encountering the annoyance, by providing channels for the escape of sewer air at places where it will not annoy, and, better still, by compelling it to pass through charcoal, by which any putrescent matter it may contain will be absorbed and decomposed before the air is allowed to escape. We are indebted for this invaluable invention to Dr. Stenhouse, F.R.S., the eminent chemist, who many years ago discovered that charcoal, like other very porous substances, has the power not only of absorbing, as was always known, a large quantity of putrescent matter, but of continuing to do so indefinitely, as decomposition as well as absorption are constantly going on between the oxygen and the putrescent matter, both absorbed in the pores of the charcoal, and thereby brought into close contact and chemically united. The effect is, that if air, carrying putrescent matter, be passed slowly through, not merely over, a layer of crushed charcoal a few inches thick, the putrescent matter will be not merely absorbed, but decomposed as completely as if the putrescent matter had been burnt; in fact, it will be burnt, though very slowly, the products being water, carbonic acid, and either nitrogen or nitric acid; but with even less of what will decolourize permanganate of potash than common air in towns often contains. For complete success, it is essential for the charcoal to be dry, and for the foul air to be carried through a layer of it very slowly. If the charcoal be fresh, foul air can be rendered inoffensive by passing it slowly over a considerable surface of it, as is done at Croydon; but that plan requires the charcoal to be frequently renewed or reburnt, and does not ensure the complete decomposition of the impurities; neither is the air filtered and freed from floating particles

which many believe to be the real germs of disease. When sewers receive much hot water, as they do at Liverpool and elsewhere, the action of air-filters is impeded by the charcoal soon becoming damp. If the sewer air be conveyed to the tops of the houses by the rain-water pipes, at the top of which air-filters are fixed, most of the steam will be so condensed in the pipes that little of it will reach the filters. It has been objected that roof-pipes are unfit to be the ventilating channels of sewers, because liable to be filled with water during rain, whereby, instead of allowing the air from the sewer to escape, the descending water will force it elsewhere. I think those who make this objection can never have noticed how very large rain-water pipes commonly are in proportion to the water they ever have to convey, so that unless obstructed they cannot be filled by any probable fall of rain. It is very common for the water from the roof gutters to be conveyed to the rain-water pipe by a short pipe about half its diameter, and rare for the small pipe to be running half full; but unless four times as much rain falls on the roof as the smaller pipe provided for it can carry, it is impossible that the larger rain-pipe, twice its diameter, can be filled. And, in fact, such pipes never are filled, unless there be a fixed obstruction or other occasional accident, so that the roof-pipes are often the best as well as the cheapest ventilating channels, unless a window happen to be near. It is safest, however, to provide each with an air-filter, which need cost very little.

The other necessary precaution is effectually cutting off all communication between the sewers and the house-drains, by which sewer air can be conveyed into any dwelling. It is not enough merely to interpose a water-trap, though that is a great protection, especially if it be itself ventilated by a pipe from the centre of an inverted syphon to the roof-pipe. The only safe plan is, as Mr. Rawlinson has so often and so wisely recommended, to allow of no direct communication at all between the sewers and the house-drains, so that if any air enter the house by the drains at all, it shall be outer air, not sewer air.

Another important precaution also strongly insisted upon by the same high authority, is to have the house-drains themselves as short as possible, to have them conducted directly through the outside wall, and not along the floors of the basement, as is too common, so that there may be no possibility of any collection of filth or filthy water within the walls. With these precautions, and with careful trapping of all drains within a house, and ventilation of all sewers outside, the entrance of sewer air may be effectually prevented; but without them the danger is great and constant, and many a death from diarrhœa, typhoid fever, and other disease has owed its origin to this often unsuspected cause.

Sewer air is not dangerous to those only who breathe it. Many cases of poisoning have been caused by its absorption by water that has afterwards been drank, and have been very puzzling to account for until the cause was discovered. This mischief often arises from

the very common fault of leading the overflow pipes of a cistern into a drain or even into the soil pipe of a closet. This is one of the many evils arising from not supplying water continuously. Often no precaution at all is taken to guard against a danger so evident, and generally no better precaution is adopted than that of giving a bend to the overflow pipe, so that when the bend is filled with water it may act as a trap; but as no water enters the overflow pipe except when the cistern is overful, it may easily happen that there is none in its bend, when, of course, there is free passage for the drain air. Few plumbers seem to have common sense enough so to fix the overflow pipe as to make the water run from the bottom instead of the top of the cistern, when the water reaches the level of the upper bend of the overflow pipe; yet nothing can well be more easy. Common sense is, however, a very uncommon quality amongst practical men, who will persist in doing their work in the usual way, although it is usually found to be very unsatisfactory.

Many seem to think that if the solid excrement could be kept out of the sewers, the sewage could be disposed of without difficulty. But though the difficulty might be diminished it would not be removed, while the necessity for sewers and the cost for making them would be same. The sewage, though less offensive, would still pollute any stream it entered; if putrid it would kill fish, and if allowed to collect, would be an intolerable nuisance to all in its neighbourhood. On the other hand, if nothing further be sought than to cleanse ordinary sewage to such a degree as to render it possible to pour the effluent water into any stream not used for water supply, without creating a nuisance, there are few places where a sufficient quantity of land is not easily accessible for merely cleansing the sewage, as is done at Merthyr, to such a degree that the effluent water may be safely allowed to flow into any river not used for water supply; while in many places such effluent water would form a fertilizing stream of inoffensive liquid that might be turned to profitable account. This part of the question will, however, be more properly discussed on another occasion.

Mr. G. N. Stevens, M.R.C.S., also read a paper on the question. He was of opinion that the very best material for the construction of drains that can be used is Roman cement, in large blocks, fitted closely together, and surrounded by a thick bed of concrete, as through these no percolation of the sewage could take place; whilst the old plan of perforated bricks, to a small extent, in the centre of the sewer, the rest being made of ordinary stone and mortar (unless the latter is made of the best hydraulic lime), will admit of such percolation, and consequently of the escape of mephitic gases through the soil into the atmosphere. Secondly, as to the levels. These being the work of the engineer, he need say no more on this subject, but that they should be at such an angle as will allow a ready and rapid flow of the sewage to the outfalls. Thirdly, as to their size and shape. They should invariably be of large size as

regards the main sewers; in fact, to such an extent as to admit of a man's passing easily through them. The interior should be as smooth as possible, so as to hasten the onward flow of their contents, and for the attainment of the same desirable and self-evident purpose, they should be oval or egg-shaped, which has been proved to create a force of expulsion greater than the circular form. His own belief is, that wherever main sewers are constructed in the manner mentioned, and on the principles named as to material for construction—the levels, shape, size, &c., supplemented with a sufficient number of ventilators opening on the street, having trays of charcoal and chloralum in immediate connection with them, so as to completely deodorize and disinfect the sewers, no poisoning of the atmosphere could by any possibility take place. The charcoal should be steeped in chloralum solution and drained. This liquid attracts moisture and absorbs ammonia greedily—an ammonia chloride of aluminum is thereby formed, and this may be utilized in various ways. If, therefore, this disinfection renders inert the *materies morbi* contained in the poisonous gases of sewers, the question under discussion appears to me to be solved."

DISCUSSION.

Dr. Hearder (Holland) remarked that, in all the propositions which were made for the prevention of sewage poisoning, much importance was attached to the chemical means proposed to be employed; but it appeared to him that in almost all these cases those who proposed the use of chemical means overlooked the difficulty of keeping the chemical process in proper train. It was all very well to suggest that charcoal should be used for the filters, but who was to look after the filters? If the servant of the house were to do it, she would have to risk her neck to get into a position so as to reach the filter, because it was necessary that it should be placed so high and so far out of the reach of garret windows, and so on, as to be incapable of conveying obnoxious effluvia into those windows. In order that it might be carried out, there must be a regular systematic change of charcoal, because charcoal only absorbs a small quantity of matter; it would have to be changed over and over again, and ultimately it would be worth nothing at all. Therefore the attempt to ventilate sewers by bringing tubes to the top of the house would be impracticable. There was one remark by which the author seemed to suppose it was impossible for water in descending a shoot to carry air with it, unless the shoots were full, and they were so large that they rarely filled. It seemed the author forgot that water carried air down by friction. To ventilate drains through the rain-pipes would be impracticable, in consequence of the trap which they were supposed to have at the bottom. With regard to shutting off houses from all external communication with their drains, every drain was supposed to have a trap of its own, every closet had a trap, and every drain at its junction with the main sewer was furnished with a trap; consequently we had a quantity of foul air and sewage always lying and accumulating between those traps. This showed that ventilation was necessary, and therefore he should hail with pleasure any plan that could be devised for the practical working of any system; but he must confess all he had seen and heard as yet of individual draining of houses was quite inadequate to the purpose. He did not see why we might not, in certain towns and localities, put up large shafts which should serve as outlets; or church towers might serve the purpose. That, he thought, would be no desecration; but by so doing the impurities of the sewers might be carried up and delivered high in the atmosphere. There was some little danger in applying heat for the purpose of destroying noxious gases, but that ventilation

was requisite there was not the slightest doubt; and he hoped some plan which could be well carried out might be suggested.

Dr. HARDWICKE (London) stated, the question, he believed, centered itself in two or three points. They were—the ventilation of sewers either by charcoal or by street gullies, and the ordinary ventilation in the streets; the flushing of sewers; and the adoption of chemicals, which he for one put little faith in. With regard to the ventilation of sewers by pipes, it would never do to ventilate full sewers opposite a drawing-room window, or in a street in which children were playing all day long; and it was just as doubtful whether disinfecting charcoal or shafts would prove advantageous. As to ventilation by means of shafts, he might mention that Mr. Bazalgette had spent much money in the metropolis in the years 1866 and 1867 in trying this system, and that he came to the conclusion that tall shafts were of no use whatever, besides being ridiculously expensive. Ventilation by stack pipes was also not a very good thing to rely upon, and, besides, people would not allow the pipes to go up the sides of their houses, because the foul air would come into their windows and quickly fill the rooms with a nuisance. Then came the question what was to be done? The chemical method was equally as difficult to work as any of the preceding ones, for carbolic acid was of itself a nasty, filthy agent. He had succeeded in proving that, and he was at Sedan, when it was being used in every possible way. There, he believed, it really poisoned the patients, and the medical men admitted they could not save a case. With regard to chloralum, he thought that it was a tolerably safe thing; but it could not be used on a large scale in a town where there was a large amount of fecal matter going through the drains. The only practical remedy was flushing where there was a proper water supply, and where the drains were laid in the proper way. If this were the case, and if there were thirty gallons of water per diem for each of the population, with an ordinary fall, all matters would most decidedly be carried away before the gases or any nuisance formed. The great thing to aim at was to have such a flush of water as to be enabled to carry matters away in ten or twelve hours, and this could be done by the expenditure of 150*l.* a year, supposing the supply of water to be all that could be desired. Storm waters could be carried down when desired. Looking practically at the subject, he thought no more could be done than by flushing, although he did not say that chemical substances might not be used to supplement the scheme.

Dr. NANKIVELL (Tregony) expressed his entire concurrence with the views set forth in Mr. Holland's paper, and he entertained no doubt that the great protection from all sewer poisoning must be the prevention of gases from such matters entering their houses, or any part where it was likely to be dangerous. There was no doubt that the great object in constructing main sewers should be to get a great and continuous flow of water through them. There was this objection to shafts—they would never act except upon small portions of sewers, in consequence of the number of small drains running into the sewers. He counselled the fitting of a "mason's trap" near the sewer, so as to cut off the connection between houses and the main sewer, and another near the house, so as to cut off all communication between the pantry and the scullery and the house-drains. This would free the house, he believed, almost entirely. The application of chemical means must always be uncertain, and attended with great difficulty, while, after all, we were not quite certain that we had any means of entirely disinfecting gases. We might deodorize them, but could not destroy them.

Mr. CHRISTOPHER BULTEEL (Devonport) remarked that the people in the three towns had not long emerged from the old system of cesspools, and it was only within the last two years that a complete system of sewers and proper drainage had been introduced into Stonehouse. Now, although the medical profession were fully alive to the immense improvement such a system was upon the old system of cesspools, if it were properly carried out, yet, unless there was a thorough attention to detail, he very much questioned whether in some instances sewers and drains do not become a more fruitful source of danger than even a properly managed cesspool. What he meant was this—and facts which would bear him out had occurred under his own notice in several parts of these towns—in adopting the recent improvements, especially in regard to earthenware pipes and properly constructed sewers, it was of immense importance that the work should be most

thoroughly superintended; and he believed where there had been any failure it was due, not to the character of the drainage so much as to carelessness in superintending details in the execution of the work. Mr. Serpell, the late Mayor of Plymouth, last year built a house, with all the recent improvements, in a healthy position, outside the town. It was fitted up with ventilation shafts and drains; he sunk a well, but, by-and-by, to his astonishment, he found that the well was poisoned with sewage matter. This did not arise from any fault in the design of the sewer, but through carelessness in superintending the details of the work. Dome pipes were excellent when properly constructed and properly put down, but they required even more careful looking after than the old brick drains. Mr. Serpell had the whole thing taken up, when he found that at every junction the top of the pipe had been carefully cemented, while the lower portion had been entirely neglected. Now this was not a solitary instance. He knew of several similar cases, but he simply brought this one before them, in order to remind them how important it was not only that medical officers of health should be appointed, but that the sanitary inspectors and clerks of works, in carrying out the sewage improvements, should be men who thoroughly understood their business, and who would see that the work was properly done. The remarks made in the course of the discussion had struck him as showing the wisdom of holding their hands for the present, and not going to any expense for the time, by building up shafts, even though they might lead to that fresh "union of Church and State" which Dr. Hearder had spoken of. The difficulty of flushing sewers, in Stonehouse especially, where they lay so low, would be in getting a proper supply of water, as well as a proper fall. No doubt the subject was of the greatest importance, but he should not advise any expenditure at present, because it was probable that the great problem of sewage ventilation would not receive a satisfactory solution for some time to come.

Mr. Vivian (Torquay) believed it was of the utmost importance not to allow noxious gases to accumulate; but the question was, how to carry them off? and he suggested that ventilating pipes should be used with covers which should be made to open to the leeward on certain winds, and to the weather side when they were visited with other winds. In winter, ventilating shafts would work very well, but in summer, there would be downward draughts, which would keep the gases from being carried off.

Mr. Michael (London) remarked that sewers, as a rule, were so badly constructed, that instead of carrying off matter, as it was intended they should do, they acted as reservoirs, so that there was always a deposit, and there was always sewer gas. He was sure there was plenty of sewer gas, not only in the streets but in the houses in the town of Plymouth. To talk about ventilating sewers as at present constructed was, he thought, on the simplest philosophical principle, an absurdity, and in his judgment they ought at once to dismiss from their minds all idea of the possibility of doing so. They must have their sewers first constructed so that they would not serve as reservoirs for sewage matter, and then keep them properly cleansed with a run of water; and so far from having a separate sewer for storm-water, he thought it most proper that it should be utilized for the very purpose of cleansing the pipes when it was required, and when unnecessary it should be passed off in other channels prepared for it. The whole solution of the question was, let there be no connection between the sewer and the human habitation. Having settled this, they had settled the whole question, for by the simple law of the diffusion of gases, mixing the gases with a certain amount of atmospheric air, they could render them perfectly innocuous.

IMPROVEMENT OF THE SANITARY LAWS.*

What are the Principles on which a Comprehensive Measure for the Improvement of the Sanitary Laws should be based? By W. H. MICHAEL, F.C.S., Barrister-at-Law.

NATIONAL wealth and power depend largely on the health of the community, which is in turn governed by circumstances often beyond personal control. What in the general interest the State alone can accomplish, the State must do. And thus the conservation of the public health becomes a public duty. Whatever, therefore, tends to its injury or destruction is to be guarded against and protected by law, that is, so far as legislation can be made to apply to the more obvious causes of sickness, disease, and death. If it be found, by the researches of science or the teachings of experience, that certain conditions are essential to the preservation of health, and that the procurement of these conditions is not within the reach of the private citizen, that which individual effort cannot accomplish must be done by the State, in the interest of all, and at the cost of all. The progress of prosperity brings its corresponding balance of poverty and misfortune. Large numbers of persons aggregated together within a circumscribed area constitute one of the chief difficulties of our civilised life. The health of a family is often as much affected by the sanitary condition of neighbouring houses and premises as it is by the condition of its own. No care bestowed on our own will compensate for the neglect of another. It is thus that it becomes imperative, in the interest both of the individual and the community, to impose restrictions, to enforce provisions, and to lay down regulations interfering with the rights of private property. But there is a higher law behind our feeble ordinances, for however indifferent we may profess or show ourselves to be as regards the welfare of others, there is an inscrutable but all-pervading bond which ties us to our poorer brother, which makes us drink of his cup and partake in his sufferings.

Whether we will it or no, it asserts its presence and power, and in moments of bitterest agony makes us see, in the pain and suffering of our nearest and dearest ones, the effects of our disregard of nature's laws and nature's sympathies. Happily for all, we cannot neglect the health of others without endangering our own. Running on mutually converging lines, prevention and provision are the watchwords of sanitary law and the guides to sanitary legislation. Personal violence, destitution, and foul accumulations to be prevented; pure air, pure food, and pure water to be provided; and protection against the spread of the infectious and contagious diseases of man and animals to be ensured; these are the chief aims of sanitary law. The same conditions to be secured, the same sanctions to be enforced, are everywhere necessary; they differ but in degree, in manner of provision or enforcement. Whether in town or country,

* *See* Transactions, 1871, pp. 459-462.

at sea or on land, in the overcrowded back slums of a great city or in the densely populated courts and alleys of our great provincial towns, in the solitary cottage on the breezy hill side, or in the palace of the peer, the same laws must be observed, or the same direful consequences will ensue from their neglect.

Our remedies, too, must be the same, differing, it is true, in the manner and extent of their application, but still everywhere the same. The key to unlock nature's secrets, and to surprise the mysteries of life, disease and death, we have not; but patient inquiry has taught us much, more than we are at all times ready to utilise. It has shown us that ten years may be added to the span of man's life, in localities where sanitary measures have been wisely and skilfully applied. There are towns where there is now every year a saving of ten lives in a thousand of the population, representing the cessation of twenty times that number of attacks of sickness, with all their accompaniments of pain, sorrow, and expense. What reasons exist why these results, now exceptional, should not be universally obtained.* To be thoroughly effective sanitary action must prevail within as well as without the dwelling. This is beyond the power of any law which a man does not both enact and execute in his own castle. But the full benefit of personal action can never be experienced until such a knowledge of sanitary science prevails in the community, and such a belief in its efficacy as shall constitute every man and every woman in their own households an inspector

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	1849.	1854.	1866.
* *Cholera.*			
Cardiff	208	66	15½
Newport	112	—	12
Dover	40	10	4½
Cheltenham	82	11	1½
Salisbury	180	14⅓	1
Typhoid Fever and Diarrhœa diminished.			
Croydon	25	12½	
Macclesfield	25½	19½	
Salisbury	14	4	
Cardiff	17½	10½	
Typhoid Fever alone.			
Warwick	19	9	
Penrith	10	4½	
Stratford	12½	4	
Alnwick	13⅓	8⅓	
Morpeth	16½	10	
Ashby	13⅓	5¾	

Phthisis.

Salisbury reduction	49		Cheltenham reduction		26
Ely	„	47	Bristol	„	22
Rugby	„	43	Dover	„	20
Banbury	„	41	Warwick	„	19
Worthing	„	36	Croydon	„	17
Macclesfield	„	31	Cardiff	„	17
Leicester	„	32	Merthyr	„	11
Newport	„	32			

of nuisances and an officer of health. To secure such action we want a better condition of education in its practical aspects, for without this, sanitary legislation can never secure those triumphs it is calculated to achieve. What it requires to be done, what it seeks to avoid, should be set forth to the public by statute in clear and unambiguous language, and instead of being spread over a quarter of a century of enactments should be contained within one Act of reasonable compass. Whatever amendments or alterations greater knowledge and extended experience might suggest, still this great desideratum of one statute should obtain. The law for all, might then be easily ascertained, being always thus self-contained. The present system of amendment of Acts is not only loose and inexact, but singularly perplexing. It nullifies the labours of statesmen and philanthropists, for in the midst of conflicting sections of Acts passed in successive years. It becomes at lastim possible to realize, and therefore equally so to carry out, their intentions. In place of this upon every occasion of amendment let the Act itself be repealed, and the new statute take its place. Any additional trouble to the Legislature or its subordinates by adopting this remedy for a state of things as regards sanitary law, which is a disgrace to the Statute Book, will be amply repaid by the benefits it must confer on all entrusted with duties in its execution, or who are to derive benefit from its enactments. A general statute thus passed would be always passed, but in every locality there should be incorporated with it those provisions taking the place of the present system of bye-laws, which any peculiarity of circumstances in particular localities would indicate, thus ending a state of things which has been disastrous to sanitary progress, and giving the force of law to these practical enactments. They would previously to being adopted have received the sanction of the Council of Health, and would have to be sanctioned by Parliament in the session next ensuing after the passing of the general statute, unless indeed the Legislature will in the future be willing to abdicate some of its functions of approval of these which should under proper regulations and safeguards be mere formal matters of detail.

This plan being carried out, all local improvement Acts would be repealed, all the functions of improvement commissioners cease. It has been one of the greatest evils of the present complicated state of things, to find not only the most cumbrous and confused state of the general law, and of authorities for its execution, but a vast number of local Acts, causing great difficulty, and operating most prejudicially by setting up different standards, widely differing powers, and altogether altering the general rules of taxation. In the case of this last, if exemptions of certain property from a large proportion of local burdens are to be continued, such exemptions should be general in all parts of the country, or altogether cease. They should be extended to all classes of sanitary works, or be altogether inapplicable, as on no principle can it be said that more benefit accrues under one description of work than another. In all cases the rights of private property should be interfered with as delicately and in as

small a degree as possible. If for purposes of general improvement, the profit arising from land is to be curtailed, then compensation should be awarded to the owner for such limitation, and this the more especially in those cases where buildings have been erected before the constitution of a district and streets laid out, without control of the local authority. To acquire land compulsorily for purposes of water supply, and for the outfall and distribution of sewage, must always be necessary, and must equally of necessity provoke opposition on the part of those whose lands are thus interfered with, but with proper sanction, added to Parliamentary enquiry, with some modifications of existing rules, the mantle of justice there might be so thrown around this forcible taking, as to make even the owners acquiesce in it as a great public necessity. In the new statute all public roads and ways should be vested in the local sanitary authority, not only as arteries of locomotion, and from the fact that their due regulation is essential to proper ventilation, but also because, in them, sewers, water and gas pipes must find a place.

The repair of roads, their disturbance and reinstatement, should be in the hands of one body, both in the interest of the traffic and of the ratepayers, for all work to be executed should contemplate as much economy and as little interference as possible, and that interference duly regulated by one controlling authority. Sewers clearly must be in the hands of the sanitary authority, and water supply can never be duly and satisfactorily arranged as between the needs of the public consumer, the private occupier, and a water company; for any really effective supply must look in the last resort to compulsory measures, which can only be intrusted to a public authority. The same argument hardly applies so strongly to gas lighting, but inasmuch as this is so largely a requirement in true sanitary progress, and also if one control only of the roads is to exist, then it necessitates authority over the pipes used for this purpose. It becomes therefore desirable that the local authority should acquire this property, although it may be laid down as a general principle that local authorities should never be manufacturers, nor public funds raised by taxation be brought into competition with private enterprise. Whatever mode may be adopted to take away the refuse of man's habitation, whether water be adopted as the carrier of sullage, or earth or ashes used or utilized, it is no part of sanitary legislation to prescribe the measures for its ultimate disposal. It would be as great an error to enact that in all cases it should be utilized by application to land, as to universally prohibit such mode.

Each locality must, according to its own wants and its own possibilities, determine as between the dry and wet methods of preventing nuisance, and, ultimately, as between chemical deposit, irrigation, or filtration. Any attempt at a hard and fast line here would be productive of certain failure. Even were there some certain means discovered or discoverable which could in all cases be employed, still, as it would be impossible to do without land, and as such land in the majority of cases must be taken compulsorily,

there would remain the necessity of determining by some tribunal appointed by Parliament whether the powers required should be granted; thus practically remitting matters to their present state. But there is one condition of the present system which urgently calls for reconsideration. Having appointed a competent tribunal, no interference should be allowed with its decisions, except in such cases, if any such were possible, as betrayed a flagrant abuse of power. No greater discouragement can possibly be given to sanitary authorities and sanitary measures, than to find that arbitrary power for selfish purposes can step in and altogether defeat public spirit and public necessity. And this is intensified if the very body from whom emanates the law, by its own action defeats the honest endeavours of those who seek to fulfil its behests. All powers intrusted to local authorities must be capable of enforcement in default of owners and occupiers, by the authority itself executing the works—such as sewerage and drainage—not only of houses, but also of lands and subsoils, as most important elements in influencing the public health. Effective water supply, with ample powers to secure land for this purpose, removal of refuse, prevention of overcrowding—both as to dwellings and inhabitants—lighting, paving, and general maintenance of roads and ways, provision of markets, baths and recreation-grounds, uncovered spaces as far as possible kept open, and when attached to houses, unless exceeding one-third of the whole space covered and uncovered, to remain unbuilt upon. Beyond this, every opportunity should be taken to acquire land by payment of adequate compensation, in order to open up close, ill-ventilated parts of towns. Regulation of all new buildings, both in town and country, as to stability, ventilation, drainage, and protection from fire, cleansing pathways and roads, and keeping them free from obstructions, regulating public conveyances, supervision of common lodging-houses and artisans' and labourers' dwellings, and a zealous watch over the pollution of rivers from the refuse of works or manufactories, and the defilement of the air by smoke, vapour, or other noxious exhalations. These provisions when enumerated make up a sufficiently extended list; but they are notoriously incomplete without means adopted to ward off destitution without encouraging mendicancy and the pauper spirit, without the establishment by the institution of public prosecutors, of some guarantee for the detection and punishment of crime, and thus providing against the present too often repeated signal failures of justice; compulsory registration of births, marriages, and deaths; also of sickness and disease, provision for extra-mural interment and mortuaries, supervision of and where required, institution of public hospitals, infirmaries, and lunatic asylums, and, generally, protection to lunatics, the sick, infirm, and the infant population, by whatever means extended knowledge may suggest.

To what body of men are such extended and important duties and powers to be intrusted? In all cases to one authority, uniform in constitution, equal in power, extending over such an area as will secure the greatest efficiency in action. This will necessitate a

recasting of existing institutions, for no previous legislation has secured any such uniformity as is here desiderated. Poor law administration is not accorded to urban authorities, and to rural authorities are not given the powers of the Public Health and the Local Government Acts. It is desirable that existing institutions should be utilized as largely as possible, but there should be no hesitation in their discontinuance when they stand in the way of progress. I am quite unable to see any right reason in the recent division of the country into urban and rural authorities. To every authority, however constituted, these words can have but a comparative signification and a limited application. If no part of a rural district be urban, it is certain that some part of an urban district must be comparatively rural. In every case of a borough, the town council should, as at present, be the sanitary authority, but with a district added, which would be determined by physical rather than political necessities. So existing local boards would, in the same manner, form centres of extended districts, and, in order to exhaust counties where necessary, the creation of new authorities on the model of existing local boards would leave no corner of the empire without supervision and control.

The governing idea of size of districts would be furnished by considering each one as of sufficient extent and importance to support first-class officials, devoting their whole time to the duties of their respective offices. The clerk would in all cases be a solicitor, acting as the legal adviser of the board, public prosecutor of the district, undertaking the general supervision, and responsible for the conduct of its whole business ; and here it is as well to state emphatically that no system can possibly succeed which trusts for its execution to unpaid members of boards, instead of throwing the onus both of action and responsibility upon competent and competently paid officials. Administration and executive are separate branches of a perfect whole, but must be undertaken by different men, if the working is to be harmonious and complete.

The surveyor, to whom would be intrusted the charge of all work, and the maintenance of all roads, would act as the board's engineer ; would advise on all those questions as to buildings, &c., which must constantly arise under the powers and responsibilities of the board ; and to him would fall the duty of designing and carrying out all works required for the maintenance of a high sanitary condition of the district. No more important office or officer can be conceived in sanitary matters than that of medical officer of health. A gentleman of special training, having had practical experience in the treatment of disease, a chemist, versed in the use of the microscope, having devoted special study to hygiene, and relieved from the cares and restraints of private practice, would work incalculable good to any district which received the benefit of his services. Freed from fear of rivalry and competition, each professional man in his district would become his coadjutor and assistant, while each poor-law medical officer would render invaluable service as his

deputy, because daily in contact with those parts of the district most likely to engender or propagate preventable disease. These three officers, with subordinate assistants, inspectors of nuisances and lodging-houses, would complete the staff. It is essential to effective working of officers appointed to carry out sanitary measures in local communities, that they should be largely independent of local control; that is to say, their energetic action should never cause supine and retrograde boards to procure their dismissal from office. Upon all appointments and dismissals from office there should therefore be a power of supervision lodged in the central board. It is contemplated that by this agency every case of epidemic or endemic disease would as soon as occurring be investigated, its cause ascertained, and so far as possible remedied or removed. The medical officer of health would be the police surgeon, and every case of death would at once come to his knowledge, and any case involving suspicion of neglect, violence, or crime, would be by him inquired into, and action taken in accordance with such inquiry. Thus there would be a rigid supervision of the whole mortality of a district. Acting in conjunction with the clerk, who would be the public prosecutor, the medical officer of health would be ready as an expert to give that scientific evidence now so needed to raise the coroners' court to the dignity and importance it is calculated to acquire when properly organized. The important influence which would thus be exercised on crime cannot be overestimated, for nothing more tends to its diminution than the certainty of its detection and of its accruing punishment. Guarding against adulteration of food, preventing the sale of food unfit for human consumption, and a variety of other duties, all essential to the wellbeing of the community, would under this plan be, for the first time in our experience, adequately and thoroughly performed.

As the districts here contemplated to be extended would be under town councils acting beyond the boundaries of the boroughs, some portion of the district would be unrepresented. No money should be raised for public purposes without those who are taxed having a voice in its distribution or expenditure; it would therefore be necessary in the extended portions of such districts to elect representatives on the scale and according to the manner prescribed by the Local Government Act, these representatives acting with the town council on all sanitary questions as the sanitary authority, but not interfering with matters solely appertaining to the borough. But it would be necessary, for other purposes, to have a wider area than a mere isolated sanitary district. To secure a sense of being justly treated apart from local influence, there should be for the ratepayer, or owner of property, an influential board of appeal which would command his confidence in matters in which he was at variance with his own local authority. In cases of default of sanitary authorities there is required to be on the spot a controlling authority to compel necessary works, and, if needful, to execute them, and to levy the contributions, spread over a number of years, necessary for their repay-

ment. To adjudge as to the necessity of combined works, either essential or desirable in the interests of different districts, and to form constituent parts of a watershed authority, equally necessary as the equitable conservators of water supply, as between different districts, and as guardians of rivers to prevent pollution of their streams. Such an authority, acting within a county or the riding of a county, and formed by representatives of each district within its ambit, joined to an equal number of resident magistrates, chosen annually at quarter sessions, would command respect and secure uniformity and continuity of action on the part of the various boards, and prove a help, bond, and support to each in its individual action. Among other reasons indicating the necessity for the institution of such a board it may be stated—1st. That power to compel authorities in default is absolutely essential; and, 2ndly. That experience has shown that the exercise of such powers by a central board in London is entirely futile. Its distance from the seat of operations, its necessary want of acquaintance with local matters of detail, multiplies differences and difficulties as though with the long arm of the lever, and renders interference costly and ineffective. There is a further reason which affects the whole wellbeing and progress of the country, which, in its importance, is vital and supreme; the necessity of cultivating local agency, inducing every citizen to take his share in the burden of administering local law, thus making every man interested in the maintenance of order and prosperity, as though for such order and prosperity he were directly accountable. These are at the foundation of a nation's prosperity, and any centralized action which tends to destroy this feeling of direct responsibility and interest is, above all things, to be deprecated and avoided. Meddlesome interference of a paternal government more than defeats itself; it is only upon occasions of supreme importance that the power behind should attempt to assert itself.

But the main question which has hitherto, more largely than any other, influenced sanitary action is one of expense; the pressure of local taxation being the great bar to local improvement.

It is suggested, 1st. That *all* descriptions of property should contribute to local burdens in proportion to the benefits received by local action. 2ndly. That exemptions of any should be on some definite principle, and be uniformly applied in accordance with that principle. 3rdly. Where expenses are incurred locally for benefits which are general, a portion of such expenses should be paid out of moneys raised by Parliament; such portion being estimated in accordance with the calculation in how far the purposes are local or imperial.

This would necessitate an entire reconstruction of the mode of rating, and this may be considered as a main argument in its favour; for at present it may be said that the principle of assessment to rates is entirely destitute of system or equity, and urgently calls for amendment. These proposals contemplate the creation of a Ministry of Health and Justice. The minister, a member of

the Cabinet, subject to the manners and customs of our Parliamentary constitution; according to the exigency of party, in with the ins, and out with the outs; but it is essential to successful working that there should be a permanent staff to act with him as a Council of Health. A permanent secretary of each division, not removable by the casualties of Parliamentary contest, one each for health, destitution, and justice, with a chief of the medical department, a chief inspecting engineer, and a chief legal adviser, would complete this body, whose duty it would be to supervise, encourage, advise, and, if necessary, supplement local action, compulsory interference only being employed when both district and county board had failed. But all action would converge to it, as to where the various threads of experience locally gained would be in the centre woven and compacted into a strong rope, which would serve to keep in safety the ship freighted with a nation's destiny. To gather up facts and experience from all distinct points, and to give back the results of these varied records for the use of all, to inform the public mind, and generally to regulate and to help on all sanitary action; so that the most distant and most difficult of access might derive all the benefit of those more favourably circumstanced. This would be one of the first results of combined action in the mode here suggested. The institution of this system would remove the necessity for boards of guardians, highway boards, sewer and improvement commissioners, and relieve the magistrates of every county of much of their general business, and would tend to diminish existing agencies. While, so far as the Ministry of Health and Justice is concerned, it would aggregate to itself all the functions appertaining to health, water-supply, gas, quarantine, contagious diseases, enclosures, &c.; supervison of the Medical Acts, lunatics, &c., now performed by the Privy Council, the Board of Trade, the Home Office, the Lord Chancellor, &c., &c. The functions and powers vested in the Minister and Council of Health must necessarily remain subject to Parliamentary revision; but efficient local inquiry, by competent officials, as to local peculiarities necessitating departures from general system, or as to powers to be granted to meet local exigencies, and these inquiries supplemented by the careful consideration and report of the Council, and, in some instances, inquiry before Committees of Parliament, would satisfactorily replace present modes of granting, or refusing, or delaying provisional orders. But in all cases the very first requisite to ensure, on the part of local authorities, energetic and sustained efforts at sanitary improvement is a well grounded confidence that in times, whether of ordinary action or of exceptional difficulty, they may reckon on the support of the State, and that their efforts will not be rendered nugatory and void by individual self-interest overweighting the action either of a Ministry or of Parliament.

DISCUSSION.

Mr. Edward Jenkins (London), as a member of the committee appointed by the Social Science Association and the British Medical Association to watch the passage of the Public Health Bill through Parliament, expressed a hope that the spirit and principles just enunciated by Mr. Michael were those in which the Association still believed, notwithstanding all the criticism aimed at them. The members of the Association had been termed doctrinaires, but at all events these were the principles to which they adhered, and to which they meant to adhere until they got them carried. The result of the inquiries instituted by members of that Association, among whom his friend Dr. Stewart took a prominent part, had shown how essential to the welfare of the country were the reform and consolidation of the laws, and uniformity and organization by which those laws were to be carried out. He agreed with Mr. Michael as to the constitution of the sanitary unit and the creation of an intervening sanitary power to interpose an obstacle between localization on the one hand, and indifference on the other. The distinction between urban and rural districts must hereafter lead to great confusion, but, nevertheless, it had been introduced into our legislation. He must enter a *caveat* against the more ambitious part of his learned friend's scheme respecting the creation of a Ministry of Health and Justice. The carrying out of such a proposal would, to a great extent, involve a reorganization of the Cabinet. If the Ministry of Health were to arrogate to itself any of the duties of the Minister of Justice, this would clash with the scheme propounded yesterday by the Attorney-General in favour of the creation of a separate Minister of Justice. Again, he thought the matter would involve a serious reconstruction of the Cabinet. Nevertheless the lines laid down by Mr. Michael were, in the main, impregnable. The way in which Her Majesty's Government were approaching the question was not calculated to bring about either a speedy or a happy solution of it. They ought to urge on the Government more strongly than ever the necessity for a reconstitution of the unit, for an intervention of the county power or of the district power, and then for the consolidation of all the statutes in the manner his learned friend had suggested; and, above all, that the central body should be invested with sufficient power to enable it to overlook and supervise the whole sanitary administration of the kingdom, and to exercise in time of danger such powers as would as far as possible keep us from danger.

Mr. Christopher Bultbel (Devonport) was of opinion that the relief of the poor and sanitary arrangements were two perfectly distinct things. It was quite necessary, right, and proper, that they should be united under one head, but he thought they ought to constitute two separate departments, and that throughout the country the board, which administered sanitary arrangements should be separate from that which administered relief. Then, in his opinion, all local bodies, as they now were, should be supervised by the Local Government Board in London, and the medical officers of health should register all diseases.

Dr. Pearse (Plymouth) thought that the duties which at present devolved on rural boards, commissioners, magistrates, &c., ought to be concentrated in one quarter. Hitherto there had been a continual conflict between different authorities, but now, at the very moment when education was beginning to stir among the masses, splendid results were likely to follow from the consideration of all these questions in one great Act.

Dr. Hardwicke (London) expressed his extreme satisfaction at the profoundness and practicability of all the suggestions contained in the paper. The Public Health Act was not workable in his judgment, and it would be necessary to revert to the system of sanitary organization sketched out by Mr. Michael. There would, however, be very many difficulties in the way of doing this. The first and chief thing they ought to attempt was to educate the House of Commons itself on matters concerning the sanitary condition of the country. There must be a thorough modification of the system of poor law administration. The step taken last session would, to some extent, lead to this; and he was glad to find that something was to be done in the way of properly training the officers and the large staff connected with poor law matters. As to the registration of diseases, nothing could be more absurd than the plan for confining it to the poor law sickness of the country.

In his district (Paddington), for example, the diseases which occurred among the poor had, comparatively speaking, no reference to the sanitary defects and nuisances in the neighbourhood. Nay, even with regard to contagious disease in some places, they represented a mere tithe of what ought to come under the cognizance of sanitary authorities. In his opinion, the compulsory registration of disease ought to be confined to zymotic diseases or preventive diseases.

Mr. SILLAR (Plymouth) said, Mr. Michael's comprehensive statement dealt with the details of the laws which should be made for the regulation of these great questions rather than with the principles on which a comprehensive measure should be based. There were two rival theories held by political economists—one that all human interests were antagonistic; and the other, which was ably argued by Bastiat, that all human interests were harmonious. Now the principle on which comprehensive measures could be based, entirely depended upon one of these two theories; because, if human interests were antagonistic all laws must be restrictive, but if, on the contrary, human interests were harmonious, the fewer laws there were the more room there would be for those harmonious interests to have full play. In his belief Bastiat was right. In one respect the body-politic closely resembled the body personal. When in good health all functions were performed well and easily, but the restriction of one prevented the whole from working. If, however, he went fully into this subject too large a question would have to be embraced, so he would only allude to one point, namely, that where we found a sanitary law had been neglected, we could find out who was primarily responsible for looking after that law, and the reason why that person could not attend to it. Probably he would be found to be thoroughly engaged otherwise; and to go to first principles we must remove all difficulties, so that he might only be properly engaged. They found society divided into two classes—one which had too much to do, and the other which had not enough to do, and the latter invariably did the whole of the mischief. A medical officer of health must have only a fair amount of work to do, and we must discredit as much as possible any local board having borrowing powers, unless in a very great emergency, for if we gave them unlimited power so to do, there would be the greatest extravagance.

Dr. OXLAND (Compton, Plymouth) stated that whilst the water supply of Plymouth contained potash and the wells plenty of lime, waters differed in different localities, and therefore in any health Bill it was desirable that a medical officer should at all times have the power to call in the assistance of an analyst, so that together they might easily solve the cause of the prevalence of a particular disease. The milk supply of the neighbourhood was worse than the water, for not only was it largely adulterated with water, but what was worse still, the cowsheds were of the most disgusting character, and indeed it was wonderful that disease was not more prevalent. His own family had been strangely affected by the use of milk, and altogether there was a great necessity for more ready means for the examination of matters.

Mr. MICHAEL, in replying, regretted the hurried way in which the Public Health Act of last session was passed, and complained that the action taken by the Association had been disregarded by Parliament. Nothing of course could now be done until the legislation of the session of 1872 had been entirely swept from the Statute Book, and towards this he asked the Section to adopt the report of the Joint Committee on State Medicine of the British Medical and Social Science Association, 1872.*

This having been done—

Dr. HARDWICKE proposed a resolution, asking the Council of the Association to take steps to give a wide publicity to Mr. Michael's paper.

The resolution was carried *nem. dis.*

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* See abstract, p. 874.

POLLUTION OF RIVERS.*

What Means can be Adopted to Prevent the Pollution of Rivers?

By WILLIAM HOPE, V.C.

I HAVE ventured to assume that I shall best effect the most practical good by confining my remarks to ordinary town sewage and refuse as usually met with. Indeed, this is the public question: the other is a private question. If a capitalist carries on, in an isolated position, an industry which involves the pollution of the nearest river, he does so with his eyes open, knowing that at any moment an injunction may be obtained from the Court of Chancery to stop the nuisance. There is no hardship in this. A man has no more right to pollute a river or the sea than to pollute the air, so that it is the duty of a capitalist, discharging from his works a polluting liquid, to consult a professional chemist as to the best remedy in his particular case, and not to look to such an Association as this to teach him any part of his process for making money. I would merely observe that, in considering the difficulties of any such private industrial establishment, it is well to remember the typical case of the alkali manufacturers in Lancashire. They were positively desolating the country for miles together, and when the Alkali Act was passed they made a fearful outcry, and declared that anything approaching to the Government standard of purity was unattainable, and that they would be all ruined, their workpeople thrown out of employment, the trade driven to foreign countries, consumers in other trades terribly inconvenienced, and so forth; yet no such results happened. Dr. Angus Smith taught them that to prevent nuisance was to save money, and they admit now that the Act was quite as beneficial to themselves as to the public.

But although I do not think that wealthy private manufacturers, who can well afford to pay for the advice of the first chemists in the country, can expect the limited time of this meeting to be taken up in considering the difficulties which, in some exceptional cases, may diminish their profits, I think the meeting might usefully pass a resolution requesting Government to introduce a clause in the continuation of their very incomplete Public Health Act, giving all "sanitary authorities" power to forbid the discharge into their sewers of any manufacturing refuse injurious to vegetation, because the presence of any such substances, in quantities sufficient to produce an appreciable effect, would very seriously increase the difficulties at present surrounding the sewage question, which most town authorities probably consider quite great enough already.

Leaving, then, the proprietors of private industrial undertakings to make money in any way they please, so long as they do nothing contrary to public policy, we may now proceed to consider how the unavoidable refuse, both solid and liquid, from aggregations of human habitations, can be prevented from polluting rivers.

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* See *Transactions*, 1871, pp. 101-450.

Of course, there is "nothing like leather," and every man considers his own work and his own hobby the most important of the day; but I believe I am within the region of fact in saying that this is, in sober truth, the greatest social question of the day; greater even than education, or drunkenness, or the damnatory clauses of the Athanasian Creed, for surely from no point of view, physical, moral, or religious, can it be of any use teaching pauper children the three R's, or limiting the hours during which the working man may get drunk, or forcing us periodically to consign our Dissenting friends to eternal perdition, if we are all to die of enteric fever. But it is curious to observe the manner in which this question is shirked by those who ought to discuss it, and discussed by those who know nothing about it. The very first thing which the Royal Sanitary Commission did when they were appointed, was to pass a formal resolution that they would shirk this all-important "sanitary" question. Successive Home Secretaries have for many years shirked it. One of them said to a friend of mine that "he'd be hanged if he would bring down all the vestries on the top of him." While Mr. Bruce, finding that the public were beginning to think that he had "considered" the question long enough, and ought at length to do something, succeeded, with great skill and address, not only in shirking it for the moment, but in actually abolishing it for ever, so far as the Home Office is concerned, by getting it erected into a new department of State, with a special sewage minister. Then at last did town councillors and local boards rub their hands, and look forward to the day of their deliverance from the Frankenstein of the Public Health Act of 1848. Little, however, did they understand the art of government by a large majority. Why the very first thing that the right honourable the new sewage minister did was to shirk the sewage question.

But a psychological study of the question has satisfied me that sewage contains moral as well as material poison, for not only do advocates of different systems or suggestions for dealing with sewage attack each other with a rancour and asperity formerly restricted to polemics, but men who are in all other matters sober-minded and rational, seem, in the consideration of this question, to lose all power of sifting and weighing evidence, to reject all scientific authority, to believe that no one who is not an ignorant, unknown quack, can be competent to guide public opinion in this matter; and, above all, to labour under an imperious craving for something new and startling, rarely witnessed except among some of the ladies who attend the "good-gracious sections" of the British Association. That in these days, and in the case of such a matter-of-fact subject, educated gentlemen should experience an inclination to believe in empirical nostrums, rather than to learn from men of science what are the true facts and possibilities, is indeed remarkable; but it may perhaps be explained, to some extent, by the complex character of the sewage question. Its successful solution requires the co-operation of the chemist, the engineer, the physician, the physiologist, and the agri-

culturist; but though chemistry may be said to possess the key to its solution, yet the plainest and most unquestioned facts in chemistry are frequently set at naught by persons who assume to advise municipal authorities in a matter of such moment. Thus we find one set of men advocating some nostrum or other for abstracting from the sewage all its ammonia; another set of men contending that land to which sewage is applied by irrigation should not be drained; yet every chemist in Europe, with any reputation to lose, would tell the first set that they were running after a will-o'-the-wisp, while every large and successful tenant-farmer would join the chemists in telling the others that if they apply liquid to the land, equivalent to several feet of additional rainfall, they cannot get vigorous crops unless they drain, except in the case of land with a quite unusual natural drainage. If ever there was a case in which a co-ordination of the different sciences bearing on the question was necessary, it is just this sewage question, and yet there never perhaps was a case in which people were so prone to take a narrow, one-sided view.

On the present occasion, the necessarily limited time at our disposal will not allow me to do more than pass in review very briefly the principal systems and processes before the public, but I will endeavour to do so in such a way as not to lose sight of any points of capital importance.

The means proposed for preventing the pollution of rivers by sewage may be divided into two broad, general divisions, namely, those which profess to deal with part only of the sewage, and those which profess to deal with the whole.

Under the first head come Mr. Moule's earth-closet, the Goux system, Mr. Stamford's system, and a host of others. These are all, as pointed out by my friend and colleague, Professor Corfield, systems of conservation, when compared with the water-carriage system, which is a system as nearly as possible automatic, of removal, and they all profess to deodorize, or, as their advocates term it, "disinfect," the solid fecal matter, and to absorb the small quantity of liquid which can be simultaneously collected; but supposing that they really accomplished all they are intended to effect, the sewage question would still be as far from solution as ever, for the part of the total refuse which they profess to deal with is only about a half per cent. of the whole. I speak advisedly, and from actual measurement. However, some of these systems, especially the Goux system, which substitutes ashes for earth, would probably be found exceedingly dangerous in times of epidemics, as, though the ashes may, to a certain extent, deodorize, it is next to impossible that they can "disinfect." Consequently, any such system might do actual mischief by encouraging persons to keep infectious matter inside houses, in the belief that it had been disinfected because it had been deodorized. But this opens up too large a physiological question to be discussed on the present occasion. I would merely beg you to remember that it is not the gas, however offensive or whatever its origin, which spreads infectious

diseases, but the odourless germs of disease present in or along with the gas, and of whose presence the gas is one indication. That this is so is however certain, for no one ever heard of a chemist or physiologist developing an infectious disease either in himself or in some lower animal by generating any quantity of sulphuretted or carburetted hydrogen, or carbonic acid gas, which are all however sewer gases, or even by experimenting with such horrible and dangerous things as bisulphide of carbon, cyanogen, or kakodyl. On the other hand, I was able, two years ago, to give an account in the Anatomical Department of the Biological Section of the British Association, of some cases in which I had experimented with a chemical agent, whose destructive action upon microscopic life is well known, upon the invisible and hypothetical germs of disease present in strongly infected air, and the result both in the case of animals and in that of human beings was the extinction of the infection. I believe and hope that Mr. Moule's dry-earth system, owing to the peculiar sanitary effects of earth—of which more presently—may really disinfect as well as deodorize; but this is just one of the points requiring further observation. As regards the value of the earth after use, this is one of those things which are easily susceptible of exact determination; accordingly you will find its determination in the report made last year by the committee of the British Association on sewage, of which I am a member. Its value as an article of commerce is *nil*. Still, in country day-schools or workshops, Mr. Moule's system may often be found extremely beneficial, and indeed, subject to the above slight reservation as to disinfection, I consider it the best system in such situations. For similar establishments in towns not possessing proper sewers and water supply, where dry earth might be difficult to obtain, I am inclined to think Mr. Stamford's system would be found the best, but we have not as yet investigated this system, and I possess no exact knowledge concerning it. Mr. Stamford informs me, however, that it is at work in several places in Scotland, and so far has given satisfaction. His principle is to char, not to reduce to ashes, one "equivalent," to use a chemical expression, of solid matter, to serve as a deodorant for the next. It is not necessary to consider any other "dry" system, because, however valuable their inventors may think them, they cannot well be better than Mr. Moule's or Mr. Stamford's.

But there is another plan for dealing with the same matters that Mr. Moule deals with that seems to succeed and take, specially applicable to that large number of towns in the North known as "cottage" or "workmen's" towns, where the water-carriage system has not, and probably never will be, introduced. It is simply to collect these matters in metal receivers of sufficient size to last one family of ordinary numbers for a whole week; a sufficient quantity of disinfectant is placed in each receiver to disinfect the entire contents, and they are removed at the calculated time, whether full or not, in covered vans, after tight-fitting lids have been placed upon them. This is undeniably an enormous improvement upon

the loathsome, dangerous, and demoralizing state of things existing in most of such towns at the present moment; and Rochdale and Sheffield have adopted slightly different modifications of it, but of course, as pointed out in the case of the "dry" systems, it leaves the sewage question proper untouched. It, however, holds out every prospect of being highly remunerative, for the matter removed is on the one hand not adulterated and encumbered with a quantity of earth or other useless matter, and on the other it has lost none of its ammonia, as in the case of stale night-soil, the ammoniacal liquor from which, undisinfected, has leaked into the wells and foundations of the houses. Consequently the matters so collected ought to contain when dessicated their full theoretical value in a realizable form.

We now come to those systems and processes which profess to deal with the whole volume of the sewage, and leaving irrigation to the last, I will take, first, those numerous processes which profess to purify the sewage by artificial means, partly chemical and partly mechanical, and at the head of these stands the great "A B C" scheme.

It will be in the recollection of many members of the Association, that at the meeting at Leeds, last year, I stated that the "A B C Company" had published a false analysis of their so-called native guano. I gave the quantities of ammonia and soluble phosphate of lime as given by them, and the quantities found by Professor Frankland and by Dr. Voelcker, showing a difference of several hundred per cent. You will also remember that the company's general manager admitted that the analysis published by the company was "erroneous." You will also remember that the process had been investigated twice over by the Rivers Pollution Commissioners, and twice condemned. You will further remember that it had been pronounced a "juggle" by Dr. Odling, Professor of Chemistry at the Royal Institution. I recall these few notorious facts as some little preparation for the unqualified condemnation which I am about to pass on the process.

Well, this is not the first time that I have made a feeble effort to expose the utter folly of these good people who go on squandering money on this A B C superstition. Nor was the occasion of my remarks at Leeds the first time. I had previously attempted to explode it in the columns of the *Times* newspaper. But of course I produced not the smallest effect. You can never persuade a fanatic that he is not right, and these A B C men appear to be not merely enthusiasts, but positive fanatics. Well, I had been challenged to go and see the company's works at Leeds, just as I had been challenged to go and see their works at Hastings. So I accepted the challenge and went, accompanied by several gentlemen, not merely taking an interest in such things, but competent to judge of them.

We found the works very elaborate, some parts being very ingenious and neat, other parts being very clumsy and bad. How-

ever, the works were of course a secondary matter: the chemistry of the process was the important thing, and so, as soon as I could, I got to the laboratory, accompanied by the chemist. I was there a long time, and, in presence of the gentlemen above referred to, discussed the whole process at very great length.

As we have all been told, it was first revealed to Moses in the wilderness, and by him communicated to the children of Israel, who practised it; and I have certainly always found that this early "publication" by Moses, and "use" by the children of Israel might be found to invalidate the subsequent patent, but no doubt proper legal proof of such publication and use would be somewhat difficult to obtain, and this the patentee has probably counted on.

But what is this wonderful process, of such incredible value, that at the time of the last meeting of this Association the shares of the company were readily saleable at upwards of seven hundred per cent. premium?

Now this question is somewhat difficult to answer. After no inconsiderable trouble, I succeeded, at Leeds, in getting from Mr. Wyld, the company's chemist—a most enthusiastic and devoted man—a statement of the original mixture, which for distinction we may call "Moses." It was as follows:—

Composition of "Moses."

	Parts by Weight.
1. Alum (ammonia alum)	600
2. Clay	1900
3. Blood	1
4. Magnesia	5
5. Manganate of potassium	10
6. Burnt clay	25
7. Chloride of sodium	10
8. Animal charcoal	15
9. Vegetable ditto	20
10. Magnesian limestone	2
Grand total	2588

Directions.—To be well shaken, when taken. Dose, 4 lb. to 1000 gallons of sewage.

This is the polluted mixture copied from the specification.

That such an empirical *omnium gatherum*, reminding one of a nostrum of the middle ages, prescribing dragon's blood and mummy powder for the fidgets, should be believed in, and that 85,000*l.* of good money (not counting the 700 per cent. premium) should be subscribed to force it into the sewers of reluctant corporations, in the latter half of the 19th century, is very surprising, and shows how difficult it is to eradicate superstition and love of mystery from the human mind. Take, for instance, the mystical element par excellence, namely, the blood. A thousand gallons of water weigh ten thousand pounds, or 70 million grains; and as 4 lb. of the above

mixture is the dose for 1000 gallons, it follows that in this large volume of sewage there would only be 10·81916 grains of blood! There would be twice that quantity of magnesian limestone, five times that quantity of magnesia; and although on the average there are 10 grains of chloride of sodium in every 100,000 of raw sewage, or 7000 grains in 1000 gallons, the above prescription adds 108·19164 grains of that substance. All this was so transparently absurd, that the company, it appears, abandoned "Moses" at a very early period, and already, at Leamington, had (Mr. Wyld told me) eliminated no less than six out of the ten ingredients as useless, and reduced their formula to the following :—

	Parts by Weight.
Alum (ammonia alum)	900
Blood	10
Clay	2700
Charcoal (refuse from Prussian-blue works) ...	300
	3910

This formula, in pounds weight, was a dose for 450,000 gallons of sewage, which would give 155·5 grains of blood to 1000 gallons.

But they have again improved the process, and their formula for Leeds is, or was, as follows :—

	Parts by Weight.
Alum (sulphate of alumina)	400
Blood	10
Clay	2240
Charcoal (refuse from Prussian-blue works) ...	400
	3050

This latest formula, in pounds weight, is now considered sufficient for only 250,000 gallons, whereas, according to the original proportions, it would have been sufficient for 762,500 gallons. The allowance of blood is thus brought up to 280 grains per 1000 gallons. The nice discrimination which originally prescribed fifteen parts of animal charcoal and twenty of vegetable out of 2588 has been thrown overboard, and no less than 400 pounds out of 3050, of a very uncertain complex and varying stuff, namely, the refuse from Prussian-blue works, substituted. Again, for the ammonia alum originally prescribed, is now substituted crude sulphate of alumina, and the stuff obtained by subsidence is acidified with sulphuric acid before it is dried. In this way the present process is an entirely new process, and has nothing to do with "Moses." But it is painfully like the Leamington process, which was so exhaustively inquired into, and so utterly condemned by the Royal Commissioners on Pollution of Rivers, and is, I presume, identical with the process at Hastings, which my friend, Professor Baumhauer, of Haarlem, was so indignant at having been taken down to see, and if we had

not had such proof of the perfect good faith, simplicity, enthusiasm, and fanaticism of the managers of the company, I should have been inclined to call the present process what Professor Odling was tempted to call the Leamington process, namely, a "juggle;" but it is impossible not to admire the earnest enthusiasm with which Mr. Wyld struggles on in the belief that he is on the eve of the most remarkable discovery in chemistry that ever made a student's name famous.

The present A B C ingredients are ground and mixed with water in a pugmill, and probably the clay by itself so treated would clarify the effluent water to a nearly equal extent in perhaps a little longer time; but the crude sulphate of alumina would assist the clay to deodorize alike the sewage and the solid deposit, while Mr. Wyld claims that the effect of intimately mixing sulphate of alumina, substituted for ammonia alum, with the sewage (containing carbonate of ammonia in solution), is that the alumina is precipitated, the carbonic acid is liberated, and the sulphuric acid combines with the ammonia in solution. But neither he nor the manager now pretends that a particle of the ammonia in solution is precipitated by the process. On the contrary, they both fully admit now, since the confession of Leeds, that the whole of this valuable manure runs away in the effluent water and is lost. However, if they really do convert the carbonate of ammonia into sulphate of ammonia, they change it into a more stable compound and retard its decomposition, although this would not necessarily be an unmixed advantage. But here comes in the new and amazing theory of the company. The manager frankly admitted to the Health Section at Leeds that the analysis of the native guano originally published, showing that it contained 4·5 per cent. of ammonia, and 9 per cent. of phosphate, and was therefore worth 5*l.* per ton, was altogether "erroneous." He therefore admits the analyses of Professor Frankland and Dr. Voelcker to have been correct, as, of course, no reasonable man ever doubted; but these analyses show the manure to be worth according to the valuation of every chemist in Europe, except Mr. Wyld, only some 35*s.* per ton, before deduction for diminished value owing to excessive bulk.

Now for the discovery which is to make Mr. Wyld's name famous so soon as he has discovered it. On the occasion of my visit to Leeds, the manager triumphantly asked, "Can a chemist tell you whether a beefsteak is tough or tender?" I replied, "Within certain limits he can." He continued, "A chemist can analyse milk, and tell you what it is made of"—a statement which I qualified by saying, "Some chemists can"! But without heeding my interruption, he finally extinguished me by saying, "But what chemist can compound milk?" though I might have retorted, "But what chemist says he can?" However, upon this apparently slender basis the chemist of the Native Guano Company has synthetically built up the startling theory that there is a special and they admit mystical virtue, and therefore practical commercial value in solid human

manure, as distinct and separate from liquid manure. This is evidently the old mysticism which prescribed 10·81916 grains of blood to be mixed with 70,000,000 grains of sewage cropping out again. The funny thing is, that as they do not now dispute the analyses of the manure by Frankland and Voelcker, there is no longer any dispute as to its actual composition. But they say that there is an intangible, impalpable, mysterious mumbo-jumbo virtue in it, which doubles its commercial value. I asked how, admitting that all the other chemists of Europe are wrong, and that Mr. Wyld's name is about to become famous, the commercial value of mumbo-jumbo had been assessed? But here again I was met by nothing more definite and tangible, for the so-called experiments in growing crops, to which I was referred, are devoid of every element of a scientific experiment, and are quite valueless; while, of course, the statement that a certain number of farmers have been induced to buy a certain quantity of it, is a proof of nothing except of the untiring perseverance of the general manager. But there is a curious coincidence about the exact value at which mumbo-jumbo is assessed, that makes me fear that the wish has been father to the thought, and that Mr. Wyld has deceived himself, and will never discover the chemical formula which represents mumbo-jumbo. The cost of producing the native guano varies, of course, according to many local circumstances. For instance, in some places, clay will be very dear and difficult to get, and they would requre 365 tons a year for every 8333 persons, with a water-supply in proportion to that of London, or 136,875 tons a year for London itself. Again, in some other places sulphate of alumina would be a good deal dearer than at Leeds, while the supply of refuse charcoal is not unlimited, and fresh animal charcoal is seventy times as dear. However, the average cost of producing "native guano" up to the present time is generally estimated by others, and is, I believe, admitted by the company to have been about the same as the value put upon it by all the chemists of Europe except Mr. Wyld. It is certainly, therefore, a curious coincidence that mumbo-jumbo is also assessed at the same figure, for the assessment of and belief in mumbo-jumbo enables the company to say to municipal bodies that there is a profit of 100 per cent. on the cost of manufacture. But when the public buy shares in a company with 5*l.* paid, for 40*l.*, do they know and fully understand that the premium of 595,000*l.* on the whole capital, which this price represents, really depends on Mr. Wyld being able to prove the actual material existence and chemical formula of mumbo-jumbo? I suspect not, and therefore, although I cannot pretend to hazard a conjecture as to the chemical formula of mumbo-jumbo, I propose to show how his material existence may be proved or disproved.

Let the following comparative experiment be conducted by some independent and impartial person, say, by Dr. Hooker, at Kew. Let a series of boxes of equal size be filled with earth from the same field, whose agricultural history is known, and whose average composition has been ascertained by analysis, or with washed sea sand, or refuse

silica. Let equal quantities of native guano, manufactured by any neutral chemist of eminence, and of Peruvian guano—which the manager states is no more valuable—be placed in different series of these boxes; and then let similar selections of crops be sown or planted in the boxes, and let corresponding crops be put in a third series of boxes; fertilized with the same quantity of native guano, this time enriched by the addition of the ingredients which all the other chemists of Europe say, would be required to make up the value at which mumbo-jumbo is assessed by Mr. Wyld.

Then, when the crops are matured, let them be carefully weighed and analyzed, and let the contents of each box also be analyzed. But this means time and patience, and severe labour. It is, however, only by aid of these that the chemists of Europe have acquired what they believe to be their present knowledge of agricultural chemistry.

The process which has made the greatest noise after the A B C is Forbes's phosphate-of-alumina process. This process—probably because it is not purely empirical, and does not profess such absolute impossibilities as the A B C process—has never been quite so great a financial success. In fact, I am assured that the 10*l.* share in the Phosphate Sewage Company has never been much above 60*l.*, or only 500 per cent. premium, instead of 700 or 800. This is Blyth's process in another guise. He proposed a magnesia phosphate in conjunction with lime, and this is alumina phosphate in conjunction with lime. But whereas, under certain laboratory conditions, it is possible to take up ammonia from certain solutions; by Blyth's process it is not, as far as I know, possible to succeed in this with Forbes's process under any conditions, and even Blyth's process failed altogether when applied to sewage, partly owing to its excessive dilution when considered as an ammoniacal liquor, and partly owing to the presence of common salt. All this was exhaustively investigated years ago by Professor Way. It was, therefore, somewhat amusing to find this old friend with a new face brought out as the great invention of the day, which was to put an end to the sewage difficulty, and regenerate the agriculture of the country, by a company whose shares were at 500 per cent. premium.

Phosphate of alumina is a well-known substance, but it is known as being peculiarly insoluble in water; yet, because of the value of the imprisoned phosphoric acid—could it only be liberated—many chemists have tried their hands at utilizing it, though always without success, so that the patentees, no doubt, thought that if they could use it as a purifier of sewage and obtain a really soluble phosphatic manure from it, after passing it through the sewage, they would be killing two birds with one stone. But, unfortunately, it neither purifies the sewage, nor—so far, at least, as we know—is the phosphoric acid converted into a form in which it is immediately available for vegetation. Still the process is not without some elements of success. First, it does clarify the sewage, or, in other words, it precipitates the solid matter in suspension very effectually, and it deodorizes, temporarily, both the deposited sludge and the effluent

water. This action is, however, probably chiefly due to the lime. Secondly, the phosphate of alumina, added by the process to the suspended matters of the sewage, contains a valuable manurial ingredient; and it is not necessarily impossible that means may some day be discovered of making this immediately available for the nutrition of plants. And, thirdly, it claims to enrich the effluent water for irrigation by setting free in solution a certain quantity of the phosphoric acid out of the alumina phosphate, though I believe that this claim is not founded in fact.

This process however fails, like every other so-called chemical process, to extract the ammonia in solution, and I believe the company do not now pretend that it reaches it. Yet this is the valuable ingredient of sewage, and about seven-eighths of it are in solution. It is evident, therefore, that this process by itself can never either purify or utilize sewage, but it is most desirable that it should be so far improved—if this is possible—as to become an adjunct to irrigation; for while, on the one hand, it is in most cases necessary that the matters in suspension should be removed previously to sewage being used for irrigation; yet, on the other, they contain a large proportion of the total phosphoric acid, which is already somewhat deficient in sewage, and which, therefore, it is most desirable both to replace and to increase.

Another company has been formed to work a process known as Hillé's process. This is, in its present form, a very elaborate empirical affair, some parts of it being visionary altogether. But probably, if it were reduced to its simplest form, it would be no more inefficient than any other.

Yet another company has been formed for working what is somewhat erroneously termed "Dr. Anderson's process." This is not the Dr. Anderson, Regius Professor of Chemistry in the University of Glasgow; and so far as the chemistry of the process goes, as applied to sewage, it presents no novelty, while the mechanical appliances are laughable, involving dressing up the sludge in flannel waistcoats. Fancy the sewage sludge of Birmingham, amounting to 25,000 gallons a day, dressed up in flannel waistcoats! But Dr. Anderson has patented what appears to be a really good, cheap, and practical mode of making the sulphate of alumina, which he uses as a precipitant. I have no doubt his process clarifies sewage—at least it ought to, for this is a very easy thing to do—but it cannot purify it any more than any of the others, and for the same plain and obvious reason, that to throw down an insoluble salt of ammonia out of an exceedingly attenuated aqueous solution, containing sodic chloride, is a chemical impossibility.

A new phosphate process has recently been patented which gives better hopes of success, both from a sanitary and a commercial point of view, than, I think, any other chemical process as yet suggested. In this case, Mr. Whitthread, the inventor, uses calcic phosphates instead of aluminia phosphates. He mixes a certain proportion of dicalcic phosphate in an aqueous solution of monocalcic phosphate,

and also adds a little milk of lime. As yet the process has only been tried experimentally; it has not been thoroughly investigated, nor, in all probability, perfected. Yet the result, so far, is remarkable and encouraging, because, although of course it cannot extract the ammonia in solution, it does remove altogether the other forms of "organic nitrogen" in solution. It, therefore, to some extent purifies the sewage, while not only is there a greater value in the matters removed by it from the sewage than in those removed by any other process, but the material added is in itself a valuable manure. The process, therefore, promises very much better than the others alluded to—in fact, is quite in a different category. More than this, however, I cannot as yet say.

Weare's peat-charcoal process is one that has been a good deal talked about, and is also among the number of those we have investigated for the British Association. This is one of those processes about which there is a good deal of mystery; but I will only say of it that it is empirical, and that the effluent water resulting from it is, as a matter of fact, still sewage.

Of the older processes that have long ago received decent burial I do not propose to waste your time by speaking, so that we may now, I think, pass on to Scott's cement process. This is the invention of Major-General Scott, the distinguished architect of the Albert Hall, and the inventor of the well-known Selinitic cement. He came fresh to the sewage question, his attention being drawn to it, I believe, because the district of Ealing, where he lives, is in difficulties, and he looked at it from the point of view of a cement-maker. His process is very simple; does not require any very great outlay; and, so far as it goes, is thoroughly practical and successful. He professes to clarify the sewage; to deodorize the effluent water temporarily, and the sludge permanently; and he does it. He also professes to make a very good hydraulic cement of any desired strength; and he does it. He further professes to do this at a cost which leaves an ample margin for profit; and I fully believe that he does this also. He has, therefore, done a great deal; and his process is, I believe, a very useful process, but he does not profess to have solved the sewage question. The effluent water has still to be dealt with. However, I am justified in saying that at this moment there is no perfected process for manufacturing sewage sludge which is better.

The process is easily explained. Hydraulic cement, as you all know, is made by intimately mixing lime and clay in water, and afterwards burning and grinding it. General Scott simply mixes his lime and clay in sewage instead of in water, varying the proportions according to the composition of the particular sewage to be operated upon, as appreciable quantities of both lime and alumina are found in some sewage. The lime and clay thus mixed act as a very perfect precipitant, the absence of the mystical one part of blood, on which such stress is laid by the A B C Company, not being found in any way injurious. Thus a sludge is obtained of a pale grey colour,

almost odourless, and containing, besides the constituents of the cement, the carbonaceous matters of the sewage; and the proportion in which these are present is so great that if a cement of no very great rapidity of settling is required, no further fuel is necessary except to light the kiln. But I am speaking, of course, of the material when ready to burn, and after having been dried. The process of drying has hitherto been one of the great stumbling-blocks of all precipitation schemes, for they have tried nothing but expelling the water by heat. But General Scott has conferred an immense boon upon all these companies, whose shares command such enormous premiums, but who never paid any dividends, and whose profits are all absorbed by their sludge in proportion as the water is driven out. He has shown that the well-known Needham and Kite's hydraulic press is admirably adapted for drying sewage sludge, and that the cost, as compared with heat, is as pence to shillings. Nevertheless, he believes that on a large scale, once the process was started, the waste heat from his kilns would be sufficient to dry the sludge, and that this would be cheaper still.

Should there be any difficulty in finding a market for his cement in any particular case, General Scott believes it would find a sale at a remunerative price as lime for agricultural purposes. This, however, I doubt; but it is just possible that it might pay a sewage farmer to manufacture it for his own use, to supplement the liquid used in irrigation.

As a means of disposing of sewage sludge on a large scale, I may mention a suggestion of my own, namely, to plough it into land appropriated to the purpose in such a way that it shall not be exposed to the air during any part of the process, for more than one or two seconds in all This I propose to effect by conveying it in air-tight waggons to the land, fastening one of these waggons to the towing rope of a steam-ploughing engine, to which is also fastened a large steam-plough of peculiar construction. This plough cuts two furrows of unequal depth, the outside one being the deepest, and half the breadth of the other, in the bottom of which it is cut. Then into this outside and deepest furrow, and behind the share which cuts it, a nozzle from the waggon delivers the sludge, and this is immediately followed by the inner, wider, and shallower share and mould-board, which instantaneously cover up the sludge, leaving at the same time a new shallow furrow for the deep share to work in next time.

This has never been tried as yet. However, on the recent occasion, when "sequestration" was granted against the town of Birmingham, by the Court of Chancery, Vice-Chancellor Bacon did me the honour to say that the proposal was a "clear, simple, immediate, and effectual" means of remedying the nuisance existing at the present Birmingham outfall; and that my affidavit describing it was "the only clear thing in the whole case;" and he suspended the issue of the sequestration, mainly, I believe, in consequence of the proposal. However, although this arrangement would be cheap as well as

effectual in the case of a large town, I fear it could not be made applicable without excessive cost to the case of a small town; though this I have not yet sufficiently considered.

We now come to the one only means of dealing with the liquid portion of sewage which has ever been actually proved capable, when properly and intelligently applied, of really purifying it; the means too which is stated by all the chemists in Europe of an established reputation to be the only means which ever can purify the liquid portion of town sewage—I mean its direct application to land.

My friend Professor Way was, I believe, the first boldly to enunciate this proposition, and, as members of the Royal Commission on the Sewage of Towns, he and Mr. Lawes stated this officially some dozen or fifteen years ago. Again, as member of the first Commission on the Pollution of Rivers, he told the same tale; and probably no man in Europe was more competent to form a sound opinion on such a subject. Although he is still what, as we advance in years, we call a "a young man," it is about a quarter of a century since he made his celebrated experiments on the powers of different soils for the retention of ammonia, and it is nearly as long ago since he made his investigations into the power for the same purpose possessed by charcoal. Yet when he announced that the only way of purifying sewage was to apply it direct to land, and when Mr. Lawes said that he had come to the same conclusion, they were both assailed in the most outrageous manner, and their motives scandalously impugned by schemers, who not only dared to pit their crude, ignorant notions against the deliberate and carefully matured opinions of men of such eminent scientific attainments, but clamourously accused them of corruption. Mr. Lawes, who is a very wealthy man, has nobly avenged the slander, for, on retiring from business, he has placed a sum of no less than 100,000*l.* in trust, together with his splendid laboratory—presented to him as a recognition of his great services to agriculture, services of more than national importance, by the county in which he owns his ancestral estates—in order that the unexampled series of experiments in agricultural chemistry, or rather, perhaps, I should say, the chemistry of agriculture, which he has conducted at his own private cost for some twenty-seven or twenty-eight consecutive years, should be continued after his death, an act, perhaps, unsurpassed in the annals of "social science." But there is reason to fear that Professor Way suffered an actual material injury from the shameful and unfounded clamour raised by these presumptuous persons, for when the Royal Commission on Pollution of Rivers was reconstituted, Professor Frankland was substituted for Professor Way.

It is the recollection of this disgraceful attack on my old friend Professor Way, for whose talent and researches I have a great admiration, and to whom I am proud to acknowledge myself indebted for my first clear views on the sewage question, it is this recollection which has made me so severe in my condemnation of the A B C system; for it will be recollected that the promoters of this bubble

have had the temerity to make a similar attack upon my friends Professors Frankland and Odling; and although such men may not care to defend themselves from attacks of this nature, which produce no effect whatever in the scientific world, yet I think that it is time that the public, on whom they do produce an effect, should be reminded that the four men attacked in this manner are among the first chemists of Europe, men of whom the nation may be justly proud; while the men who presume to make these attacks have no title whatever to a hearing. At the same time I would point out that I have carefully refrained from impugning in any way the motives of the various persons whose folly I have endeavoured to expose, and I am most willing to credit them with the best possible intentions, the more readily as it is matter of notoriety that the apparent place of destination of most of their schemes is approached by a continuous causeway of good intentions, unbroken by any hard facts, and unimpeded by any chips from scientific workshops.

But to continue. When Professor Frankland was appointed to the Commission on the Pollution of Rivers, several persons among the very limited number who alone then understood, or, indeed, now understand the sewage question, expressed a fear lest he might prove a heretic, and take up for a time some fanciful so-called chemical system of treatment; and of course all chemists may be supposed to have a preference for chemical rather than engineering means of accomplishing any desired object. There was not, however, the least occasion for anxiety. Professor Frankland is a profound chemist and philosopher: it was therefore impossible that he could be led away by any *ignis-fatuus* of this kind; and although there was perhaps no chemist in the country who would have been more reluctant to confess the laboratory of the chemist beaten by the laboratory of nature, or more likely to make a discovery of some chemical means of purifying liquid sewage, had such a discovery been among the class of possibilities, yet he has never faltered, or given out an uncertain note, but has stated just what Way and Lawes, supported by Gilbert, Hofman, Odling, Miller, Liebig, Voelcker, and a host of others, had stated, namely, that artificial chemistry was powerless, and that direct application to land was the only means of purifying the liquid portion of sewage.

Frankland took up the subject where it had been left by Way and Lawes, and not only brought to it the freshness of a new mind, but an intellect of unusual keenness and penetration, and immediately addressed himself to the question of why the land was able to do that which chemistry failed to do. One often hears people talking "of the wonderful" provision of Nature which has endowed earth with so great a power of deodorizing, and getting rid of putrescible organic matter. No doubt it is a very "wonderful" provision; but the people who are content to sit still and "wonder" are just the people who very often, by their want of understanding, frustrate the beneficent laws of Nature. Frankland, however, is fortunately not a man to sit still and "wonder," and accordingly applied himself to investi-

gate, in order that he might understand and obey, and, by expounding, teach us all to obey this law of Nature; or, in other words, that he might teach us how to conform to, and how not to violate, the conditions essential to the proper working of this law.

Therefore, without any empiricism, mysticism, or vague nonsense, he set to work to carry out a long series of elaborate experiments to discover the conditions under which earth would purify sewage so as to satisfy even his jealous watchfulness for "previous sewage contamination." He very soon found, as he expected, that if sewage were passed continuously through a tube filled with earth, either upwards or downwards, in such a way as to seal (so to say) each end of the filtering tube with liquid, and to prevent the aëration of the earth, the sewage was not purified; and that although it might be clarified by the mechanical removal of the organic matters in suspension, yet that the organic matters in solution remained untouched, or almost entirely so. He then found that by passing sewage through the tubes downwards, in quantities not exceeding certain limits, and by intermitting these quantities to allow for the re-aëration of the earth, that he again produced the desired purification.

Proceeding in this way by careful experiment and observation, and by the sound method of induction, he led us up to an understanding—I do not say of this operation of Nature, but of the conditions under which alone Nature will condescend to act as our scavenger and washerwoman. He told us that we must aërate our land, and that even then we must not overtax its powers: in short that the power lay rather in the air than in the earth; but he also pointed out that the total quantity of sewage which might be purified in the course of a year by one acre of porous earth was after all enormous, and that this purification might be just as complete although the earth was unassisted by vegetation of any kind, that the process which goes on in the absence of vegetation is, in fact, one of oxidation; and, as the French term it, of nitrification, that is, of conversion from an organic and putrescible to an inorganic and non-putrescible form. This question of nitrification is one that all the keenest chemists and philosophers of France have long worked at and been puzzled by. Its importance to France lay in the fact that she has no natural sources of potasic nitrate, and that she was dependent upon foreign countries, and chiefly British India, for her largest and cheapest supplies of this principal ingredient in gunpowder. Consequently the Government and the Institute have frequently in former days offered prizes for the best essay on, and process for producing, nitrification. Yet I doubt whether any one, even M. Cloez, the author of the prize essay on the subject, has come so near explaining this complex natural process as Frankland has, by enunciating his definition of sewage irrigation in the words, "intermittent downward filtration." There is still a link in the chain wanting however. He has shown us that a clayey soil will not nitrify as large, or anything like as large, a quantity of putrescible organic matter as a porous soil. This is no doubt the

converse and complement of Way's observation, that a clayey soil will retain a maximum of ammonia ; but Frankland has also shown that soils of similar porosity will not necessarily nitrify similar quantities of organic matter ; and this he has not as yet explained ; and he has not as yet furnished us with any rules for the estimation of the nitrifying powers of soils of given porosities. The explanation I believe to be, that certain mineral substances in the earth act as bases or solvents in the process of nitrification, and that the proportions in which these are present, and their relations to the air spaces of the soil, are the measure of the nitrifying power of any particular sample of soil. But I cannot give the rule for finding this measure. However, I believe, I see my way to a series of experiments which would probably determine it, though, as they would be lengthy and laborious, I cannot say when I may be able to carry them out.

From what I have already said, it will be seen that I have the most thorough appreciation of what we all owe to Professor Frankland for his investigations, and for the light which he has thrown on this obscure subject of nitrification, and I have already expressed my admiration for the terse, descriptive, and therefore truly scientific term, which he has introduced, of "intermittent downward filtration." Now for my "but," for, of course, as all of you will have expected, this is far too great approval not to be followed by that inevitable conjunction with which we are all in the habit of introducing what Sir Stafford Northcote called the other day his "caveat." Well, my "caveat" is not a very serious one. It is rather in the nature of a complaint, that Frankland does not go quite far enough to do full justice to his own views; is not, in short, a sufficiently strong Franklandite; that, being right, he is not sufficiently uncompromising and logical. I have, in short, nothing to retract, "but" I am nevertheless almost inclined to regret the admirable scientific precision of mind which enabled Frankland to sum up all that could ever be said on sewage purification in the three words, "intermittent downward filtration." The phrase is marvellously felicitous, it is a complete treatise in itself; "but" so complete, so want-supplying, so gap-filling, that people have at once, like a flock of sheep, adopted it, without waiting to understand it, without really appreciating it, and therefore, without knowing how far it may or may not be universally applicable. The result is, of course, that they have imagined that it is some new and distinct process, like Scott's cement process, or Whitthread's calcic phosphate process, and they chatter away about it accordingly. Indeed, the pleasure which its repetition must no doubt have given to its talented author as well as to us all, has, I am almost inclined to think, half misled even him as to the range of its applicability, for he frequently talks of it as an alternative to irrigation, and also writes with a certain amount of approval of examples of irrigation, which set at defiance the very laws which he has elucidated; for no irrigation purifies sewage, as a natural result, which is not "inter-

mittent downward filtration;" and, again, the only way in which the latter can be carried out is by what we are in the habit of calling work of irrigation.

I claim, therefore, for the technical term by which Frankland has thus summed up, in three words, the net result of the labours of himself and so many others for nearly half a century a universal appropriateness to all cases where sewage is to be purified by its application to land, and I contend that no sewage irrigation ought to be permitted which does not work by means of the principles involved in this definition.

The proper distinction to be drawn is not between "intermittent downward filtration" and "irrigation" which are, or rather should be, one and the same thing; "but"—and here is the real gist of my "but"—between "purification by nitrification," and "purification by utilization." It is not my fault that the words all end in "ation."

If I accuse Frankland of not being a sufficiently uncompromising Franklandite, it is not very surprising that I should include in the same indictment, as principal accomplice, his distinguished disciple Mr. Bailey Denton. I believe it is because this eminent engineer has not yet quite thoroughly grasped the full logical sequence of the acceptation of Frankland's definition, as the explanation of the chemical reason why the direct application of sewage to land, that is, irrigation, may at all times and seasons be depended on for its certain purification, that he draws a broad line of distinction between intermittent downward filtration and irrigation, as if they were processes radically distinct in principle. Frankland, odd as it may sound to say so, is probably more tainted with this dangerous and insidious heresy, than Mr. Bailey Denton, for, of course, Frankland has no personal experience in engineering works, or in the farming, draining, or general manipulation of land, and probably has never sat down to consider, either from a scientific or a practical point of view, what he would do if called upon to reduce a given number of acres of land, hitherto used for ordinary agriculture, to a condition fit to be used as a sewage irrigation farm; and Frankland, as an engineer, would probably commit mistakes the results of which Frankland, as a chemist, would be the first to detect. Mr. Bailey Denton, on the other hand, in addition to his wide experience as an engineer, has also farmed on a very extensive scale himself. I have no doubt, therefore, that from the lessons taught him in his general engineering and agricultural experience, Mr. Bailey Denton, if called upon to prepare land to be used as a sewage farm, would do so in such a manner as to produce results in every way satisfactory to Frankland, although, possibly, hardly appreciating at their full value the chemical reasons for the faith that is in him.

Although, therefore, in the case of Mr. Bailey Denton himself, this habit of drawing a very broad distinction between intermittent downward filtration and irrigation may not be productive of any harm, I think, and therefore it is that I enter so emphatic a caveat,

that the majority of the public, and even of engineers and chemists—witness various sentences in the reports of the Rivers Pollution Commissioners themselves—are misled by it, and consequently such bad examples of sewage irrigation giving such startling results, as those reported upon by the British Association Committee last year, are not only not seen through and condemned, but are actually copied.

Fortunately, the sanitary requirements of plants necessitate the same treatment of land and sewage as the sanitary requirements of human beings. M. Cloez has proved that unnitrified organic matter acts as an active poison to some plants, and it is highly probable that it produces injurious effects upon all plant life above the status of cryptogamia; at all events, the presence of such matters in a sodden, water-logged soil is most detrimental to every kind of farm crop; so I hope that in time the force of circumstances, and the evidence of their own eyes, will convert even those engineers who have most perseveringly opposed the drainage of sewage farms.

The most mischievous of all engineering blunders in the disposal of sewage is the superstition, not only that the sewage should be passed over sodden, water-logged ground, but that it should be turned over several successive areas of land; and, finally, after the lapse of only an hour or two, run away to the outfall off the land, instead of through the land. This is the superstition that I have most frequently battled with, and yet have had most difficulty in exploding. It has arisen from engineers, ignorant alike of agriculture and chemistry, copying the laying out of water meadows, treating valuable, but dangerous, liquid manure as if it were unpurchased and harmless water, and distributing it on the "catch-water system," a term which explains itself, being the "flooding" of a piece of land with a quantity of sewage greater than it can absorb, then "catching" it up again in an open ditch, and passing it over another piece of land, and so forth. Now, as I have pointed out a hundred times, either the first piece of land receives in this way more manure than it can utilize, or the other pieces receive too little; and, moreover, it is a mere accident whether the water finally running away has really been purified, and our report of last year, already referred to, shows that it very commonly runs away as weak sewage. On the other hand, I make it a cardinal rule in laying out land for sewage irrigation, to prevent a single drop ever escaping, except downwards through the soil. In this way, although the question of its utilization depends upon the proportion of land to population, which, again, should be governed by purely local commercial considerations, yet it obviously cannot escape from land so laid out, until thoroughly nitrified and purified.

It is with no little pride that I am able to say that it was on this system that I laid out my own experimental sewage farm at Romford, some time before the publication of Frankland's experiments. The truth is, I was working out, but from different data and in a different manner, the same results that he arrived at with such brilliant rapidity.

The report which we have just presented to the British Association, at Brighton, containing, among other things, a most elaborate series of tables and analyses, explaining the chemical working of this farm, is, I venture to think, by far the most practically valuable publication which has yet appeared on the nitrification and utilization of town sewage; and that, as an eminent Queen's Counsel, who was present when it was presented, said, it forms an era in the history of the subject. The tables are so elaborate that it is impossible for any one fully to understand the report until they see it in print; but the net result is, that although the farm, which was selected by the local board themselves, is too small to utilize the available sewage, and although the soil is exceedingly silicious and ill adapted for the retention of manure, yet out of every 100 parts of nitrogen applied in the sewage, no less than 40 were actually converted into crops, 50 parts were unaccounted for (remaining chiefly in the soil), and only 10 parts escaped in the effluent water; of which, again, only a fraction was still in an organic form. This is a result as yet altogether unapproached by any recorded observations anywhere, and is the more remarkable as the experiments of Lawes and Gilbert would appear to show that it is not possible to convert more than from 40 to 60 per cent. of the nitrogen applied in any kind of solid manure into actual plant life.

As yet the Committee of the British Association have made no recommendations. We have been anxious to exhaust the subject before we did so, and by building upon the sure foundation of prolonged observation, to be in a position to make recommendations eventually which should stand the test of time. This we hope to be able to do by next year, but if not, I have no doubt my colleagues will not shrink from another year's labour.

As usual in the case of men who have worked hard in a question on which such opposite views are held, on such insufficient information, we have had our fair share of abuse, the latest phase of which is that a very talented and distinguished chemist, whose friends wish that for his own sake he were not quite so mercurial, is seeking to discredit our work, because, having commenced by using his process of water analysis—a proof surely of appreciation—it has since been abandoned because found, as indeed he himself admits, not to be applicable, without modification, to sewage. In vindication of the work of the committee, it is only necessary that I should say that it numbers among its members Professor Williamson, F.R.S., late President of the Chemical Society; Dr. J. H. Gilbert, F.R.S., perhaps the profoundest agricultural chemist in Europe; Professor Odling, of the Royal Institution, F.R.S., just appointed to the Waynflete chair at Oxford; and Dr. Voelcker, F.R.S., the consulting chemist to the Royal Agricultural Society of England.

In conclusion, I will merely say that in what I have said here I am of course speaking for myself only; for though I believe I may say that the majority of my colleagues share in the general views which I have expressed, yet perhaps but few of them would be quite

prepared to go with me to the full extent upon all points, though I hope that they will eventually do so. I have not here touched upon the bugbear of parisitic disease in connection with sewage irrigation, because I hope that I set that at rest in a paper which I read, by invitation, at the meeting of the British Medical Association, in this town, last year, and that may be referred to in the columns of the *British Medical Journal*. Nor have I touched on the enormously important economical questions involved, for I have done that elsewhere *ad nauseam;* moreover, I did not consider that my instructions from the Council, conveyed in the words, "What Means can be adopted to Prevent the Pollution of Rivers," would have justified me in introducing topics into this section which properly belong to Sir John Bowring's section, even had space permitted. But I have endeavoured, to the best of my ability, to touch upon all the systems which are at present being submitted to local boards, and, above all, I have endeavoured to show that if municipal bodies would only make up their minds to throw over, once for all, quackery, empiricism, the love of the marvellous, and the so-called practical man who has led them such a dance for so many years, and stick to hard facts and sober science, they would find that the sewage question is already solved and no longer exists.

The Prevention of Disease. By T. Baker.

I HAVE undertaken to address the Health Section on the Prevention of Disease. Will it be held presumptuous in a lawyer to discuss such a subject? I would affirm as deprecatory of such a judgment that the prevention of disease is nothing more than the preservation of health; that health is the normal state of man's existence; that we have, as a race, only to adhere to the laws of Nature to secure health; that properly to discover the laws of Nature we must have recourse to evidence, the evidence of our senses, and evidence furnished by facts, thoroughly sifted and well ascertained; that to sift evidence is the business of my profession; therefore a lawyer is justified in discussing a question of health or the prevention of disease.

I do not claim to advance anything new. But if not placed in a new light, it is sometimes requisite to have old knowledge brought to bear so as to guard against the reintroduction of still older fallacies, ignorance long exploded, and superstition erroneously regarded as worn out.

"Disease," wrote a celebrated American physiologist, "always precedes the physician." To our medical friends I would say, Your special business is to cure; it is your patient's business to prevent disease. The study of human physiology forms a proper and necessary part of the education of every man and woman. It is the business of the medical professor in common with all other men, but

as a speciality his functions are associated with the cure of disease resulting from a violation of Nature's laws. Let not the medical practitioner assume to himself the sole right to examine and explain those laws. *Ne sutor ultra crepidam.*

I start, then, with the assertion that disease is neither more nor less than a result produced by a violation of natural law. It is often hereditary; a taint passing down through, it may be, generations, but still originating in violated law: a fact proclaimed by Moses to the Hebrew nation. "The iniquities of the fathers shall be visited upon the children unto the third and fourth generation," whilst "mercy" shall be enjoyed by thousands who respect the law. To restore the diseased organ to its pristine vigour, and readjust the balance among that assemblage of wonderful machines which combine to form the human body, may well tax the utmost energies, and advanced intellects of a noble curative profession. Nature, however, will only be assisted; she will not be coerced; and it is no less the duty of every one to examine for himself the laws of health, and to obey such as he shall conscientiously find to be true, not only for his own personal well-being, both here and hereafter, but for the sake of those who, by the same inexorable but beneficent law, must inherit the blessing, or the curse, through and by means of his habits and actions.

If one of the bodily organs or fluids be hereditarily diseased, it may be said to be poisoned already, and it is the triumph of the physician's art so to assist nature with antidotes, or otherwise, as to enable her to invigorate the diseased organ, and establish that even balance which alone constitutes health. If there be no hereditary disease actually or actively existing, there is an almost infinite variety of tendency. The relative degrees of natural strength among the numerous organs will probably never be found precisely the same in any two individuals, any more than two peas, two leaves, or two faces can be found precisely alike. This variation of natural tendency produces what is called, not very accurately, that difference of constitution so often talked about. Every one has, therefore, so to speak, a particular barometer in a particular spot, and this barometer should be consulted with care in all circumstances.

Our subject being the prevention of disease, let me be permitted to assume that some few, at least, of our race are to be found in sound health. How can they surely preserve it? or, in other words, how are they to prevent the entrance of disease? *i.e.*, disease not arising from over excitement, or undue wear and tear, on the one hand, nor from lack of exercise, or *ennui* on the other; for with these we at present have no concern. I answer, unhesitatingly, by preventing the admission of poison of any kind into the blood. But how may poison enter, and how are we to guard against its admission? (1.) Poison may be absorbed into the blood through unwholesome food or drink. (2.) By the inhalation of foul air through the lungs, which is sometimes denominated "infection." (3.) By

inoculation through open wounds, externally or internally, *i.e.*, cuts, sores, or ulcers in the skin or mucous membrane.

Whether we may also introduce by absorption through the pores of the skin, poison exhaled from the skin of diseased persons, which is true "contagion" (though that term is often used so as to include lung infection), is a moot question in epidemic disease, but I very much doubt the possibility.

To take these in the order above mentioned. It appears to me that in the discussion of sanitary questions, by no means sufficient importance is attached to the quality of food; and especially in reference to the health of the animals used as human food. It ought never to be lost sight of, that whatever poison tends to promote disease in man, will probably promote disease of a similar character in the lower animals. Surely it is incumbent on us to provide against evils and their consequence, as affecting animals whose healthy or unwholesome flesh we consume! But, except in the presence of some general cattle murrain, do we do so? I think it must be confessed that we do not. Whereas it must be plain to the meanest intellect, that if unsanitary habits will produce disease in an individual man or family, the like conditions enforced by ignorant farmers, or butchers, upon the ox, the sheep, the pig, &c., will induce disease in these, though no general visible murrain prevail. The horse on the prairie needs no veterinary surgeon, nor does he suffer from horse-grease; swine in the forest contract no measles; sheep on the mountains get no small-pox; nor are "cattle on a thousand hills" in anything like the state of fever produced by steamer-decks, railway-trucks, and markets, or stalled beasts in metropolitan dairies. I speak not of palpably diseased or putrid meat, occasionally seized by an inspector; but if civilized and civilizing man would recover and maintain his pristine health, he must be careful by his management not to produce disease in the inferior animals before imbibing their milk, or preparing their flesh, often insufficiently cooked, to introduce either nourishment or poison into the lymphatics and blood-vessels of his own system. Yet not in our towns alone, but in every country lane and village, when passing the cottager's garden, are we not compelled to seek the farthest side of the path, warned by Nature's sentinel that a special manufactory for measles is established in a corner above the open ditch, wherein a poor animal is penned, reeking in filth, with just room to turn about and gorge the washings of that cottage tub, until sufficient poison-charged fat has been raised upon its carcass, preparatory to its slaughter and distribution among the neighbouring, not already too healthy, human stomachs, or to the dwellers in the still more polluted city? The wonder truly is, not that measles, scarlatina, and small-pox prevail, but that their intensity is not ten times greater than has ever yet been experienced.

I pass over the known adulteration of various articles of food practised by fraudulent dealers, enormous as it is, as well as the deleterious influence of narcotic and intoxicating poisons, because

these causes of disease are frequently dilated upon by large numbers of people, and have also been the subject of recent legislation. I will only remark with regard to these latter, that wherever depraved sensual appetite enters into the competition, all considerations of health are but too frequently, alas! entirely disregarded. The importance of pure water has also been abundantly insisted on of late years.

2. The inhalation of foul air, through the lungs, affords the second of our modes of poisoning the blood. It was long since pointed out by physiologists that putrefying animal excreta, untrapped drains, and polluted streams, contribute largely to this description of inhaled poison; nor can I think that the overburdening of land with decaying composts may not frequently be charged with injurious exhalations both for man and beast. Rotting swamps and marshes, too, very commonly become a fruitful source of disease in warm climates, especially where the free mixture of salt with fresh water, or sewage, takes place; hence yellow fever in the tropics usually first appears at seaports. But there can be no question that overcrowding, or lung poison, in the exceedingly general absence of adequate ventilation, is by far the most prolific cause of disease. Miss Nightingale, in her inimitable "Notes on Nursing," abundantly corroborates the universal testimony of other advanced sanitary philosophers. Thus, whenever the absence of wind during a damp season, without a drying sun in summer, or congealing frost in winter, produces an epidemic of any kind, it always mainly prevails in dirty, damp, and most of all, unventilated places. It was shown by the late Mr. Grainger and others, in the truly valuable cholera reports of 1849, that want of ventilation was the greatest promoter of that epidemic; and this view has appeared to me to be confirmed by the fact, that cholera has without exception chiefly raged in Russia during the winter, the season there of close stoves and double windows; whilst in England it has been more prevalent in summer, when the ventilating open fire is extinguished. Any one who has ever experienced the corrupted atmosphere generated, even out of doors, by a dense crowd; such as the street outside Exeter Hall, at the Duke of Wellington's funeral, the Prince of Wales' thanksgiving-day, or after a review near a gate in Hyde Park, may readily understand (to return for a moment to the food question) that sheep folded thickly together with a farmer's view to warmth, or penned in a market with a dealer's view to economy of space, will scarcely thereby be brought into a better state, either to live or die for human nourishment.

A very striking example of the value of proper sanitary arrangements has been afforded in London during the late small-pox epidemic. The mortality from that disease during the epidemic year in the whole of London, including Belgravian and suburban districts, where no cases occurred, was 2·4 per 1000 of population. This mortality was mainly furnished by the districts where typhus and cholera, &c., whenever present, always locate themselves; those districts, in fact, which Dr. Southwood Smith distinguished as the "fever nests."

In the midst of these districts large blocks of buildings have been erected by the Metropolitan Association for Improving the Dwellings of the Industrious Classes, in which blocks are contained a population, in proportion to the ground area they occupy, four times more dense than that of the surrounding "fever nests" themselves. Yet these dwellings, within which typhus has never entered, cholera never appeared, furnished a small-pox mortality during the year in question of 1 per 1000 of population only, *i.e.*, perhaps one-twentieth that of the surrounding localities, if the numbers therein were separately given. The sole explanation for this remarkable difference being that the model dwellings are provided with ventilation and every sanitary appliance, no supervision or interference whatever of any other kind being exercised over the tenants. In fact, sick people have been known to be sent thither from neighbouring hospitals to die, thus unfairly increasing their normal death-rate. As if in special confirmation of the advantage of sanitary measures, we find, on the contrary, that Dublin and Dundee, during their small-pox epidemic the following year just past, furnished a mortality three times and two-and-a-half times greater than that of London respectively; Dublin yielding 7·6 per 1000 the first six months of this year, and Dundee 5½ per 1000 for the year. Contrast the healthy condition of the model dwellings, too (having a general death-rate of 16 per 1000, while London at large has 24 per 1000), with the mortality in the British army at home, which, for the year 1870, among 75,305 rank and file, reached 9¼ per 1000. When it is considered that this mortality occurs among picked men at the age of least mortality, whilst the civil population death-rate includes both the infant and the aged, the weak and diseased, as well as the healthy and strong, this contrast will be fully appreciated. Moreover, the military death-rate now never fairly states the case as between that and the civil mortality. Formerly men were enlisted for a long time, and had a pension if discharged sick, they were therefore retained to be treated and die in the service. Now the enlistment is for a short time, with no right to pension; so, on becoming seriously sick, men are discharged at once when possible, and die as civilians, Yet we still have 9¼ per 1000 actually dying in the service. Every recruit must pass two doctors, each of whom subjects him to a searching examination before he is accepted at the age of most vigorous health. Subsequently he is said to be better clothed, and fed, and lodged, than ever he was before; in spite of which the mortality among such picked men, during the ten years of their service, is probably at least double what it would have been were they left alone in their homes.

3. The third mode of introducing poison into the blood is by inoculating, through wounds, any kind of virus. That this can be effected is too well known to need proof. Small-pox was largely inoculated in the last century, but discontinued in favour of vaccination, and is now made penal. The notion, derived from the Turks, which savoured much of superstition, was that any person having

had a febrile disease once, was *ipso facto* less likely, if not altogether unable, to have another attack of the same disease. But what is this disease? A state produced by poison. And for what purpose? Simply to expel that poison. It is Nature's effort to get rid of the noxious intruder. Given the conditions then; let the poison be present, what is the next very best thing to happen but the disease? and especially an exanthematous disease, to purify the blood, by driving out the poison through the skin. When this is thoroughly effected and health restored, it will in the nature of things, or may be a long time before the same conditions recur; but should the poison not be all thrown off, or be again absorbed, what but another effort at its expulsion ought to happen, and will indubitably happen (as it often has happened) in order to save, if possible, the patient's life? Accordingly, very numerous cases are on record, of second, and even third attacks of small-pox in the same person. Every medical man knows of such.

It is the same with yellow fever. In 1804, in order to allay popular panic, Dr. Arejula placarded the streets of Malaga with the comforting assurance that nobody could have that disease a second time, and therefore those who had previously suffered an attack were safe. But either that to allay panic was Dr. Arejula's sole motive, or that the assertion was a delusion, has long been patent to all dwellers in tropical climates where that form of fever prevails; notwithstanding that the late Sir William Pym claimed to have made the same absurd discovery in 1813 at Gibraltar, for which he drew a pension of a guinea a day from the revenues of that fortress to the end of his long life. Superstition has ever been more profitable than sense, or Pym would never have been petted, nor Galileo gyved.

That some other diseases are inoculable has been fully proved, both abroad and in England. Several such cases were brought to the notice of a Committee of the House of Commons in 1871, by Mr. Hutchinson, a surgeon of eminence in London. When this fact is considered, in connection with the opinion of that gentleman, and other professional witnesses, that the presence of the disease could not be discovered; and, if inoculated, could not appear earlier than from three weeks to a much longer period after inoculation; also that vaccination officers do not see the children they vaccinate subsequently to the eighth day following that operation; we cannot wonder at the conscientious objection of a very numerous portion of the community to submit their children to a similar risk. And especially when it appears from the Registrar-General's returns that many infants under five die of the loathsome disease proved by Mr. Hutchinson to have been unwittingly and unblameably transmitted by the vaccinator to eleven adults from one apparently healthy infant's arm. So that if this disease has not been inoculated upon those children so dying, it may have been easily conveyed from them to others, without the practitioner's knowledge or observation. The idea that disease can be prevented by the inoculation of disease, is, to my mind, so utterly unphilosophical and superstitious, that I own

to some impatience in dwelling upon such an absurd contention. In the first place, were it possible, it would be highly undesirable so to prevent what in the course of nature ought to take place for the well-being of the patient; and in the second place, it is impossible, except, indeed, by so lowering the constitutional strength as to cause death, by rendering the person too weak to throw off the accumulated poison. Yet this fallacy has very generally obtained. In its origin we have the unfounded fear of "contagion" so unworthy of a civilized community. The contagion theory assumes that liability to epidemic disease is altogether external, without regard to the state of the individual, and that therefore all are equally liable to attack, which is a simple contradiction of universal history. Surely it should be sufficient to point out—as has been so well done by Dr. Southwood Smith, in the immortal Quarantine Reports, and other writings, now, but for a time only, forgotten—that far worse epidemic diseases than any which now exist in this country have been altogether extirpated by civilization and cleanliness, without having first swept off the entire human race. It should be noted that the mortality among small-pox hospital patients is higher now than it was in the last century. Have the medical men become less skilful in their treatment, or has some evil influence supervened to weaken the patients? I leave the hospital professors to settle this question. But wherefore arises the special popular dread of small-pox, which is a more beneficent form of epidemic, yielding a greater proportion of recoveries to attacks than probably any other? That this is so, is proved by the fact that whenever small-pox prevails, the general death-rate is low. Thus, in the last six months, during and following the severest small-pox epidemic of the century, the mortality in London has been no less than 4582 below the average of the last ten years. Small-pox, therefore, ought by no means to be made the subject of popular panic, and never would have been so, had not blundering treatment formerly produced that marking so inimical to personal vanity; but which is now seldom, and ought never to be seen. Since the world was, the weak have fallen a prey to the accumulated force of the epidemic at the time existing, added to the latent unhealthy condition in which it found them; whereas the strong, not sufficiently acted on by former poisons or habits of insalubrity, resist the force of the enemy, and survive to teach their successors greater wisdom.

Whether the contagion notion be based on actual contact of skin with skin; the infection of peculiar lung poison from the sick; or the newer theory which is about to import cholera by excretal germs floating in the air or water; it comes practically to the same thing as if the disease were, as in truth it is, simply the epidemic influence, or effect of peculiarities of season, *e.g.*, extremes, or sudden changes of temperature, undue moisture, &c., intensifying locally existing poison emanations; the weak succumb, the strong resist; and so it will be to the end of time, in spite of official reports, and scientific whims, fished from the waters of Odessa or Bengal.

These contagion theories have always been most acceptable to the ignorant, and especially to those whose culpability is exonerated or excused by them. Thus, the Irish registrars—who appear to be medical men, in some sort feeling themselves responsible for the health or credit of their districts—invariably ascribe any febrile disease to importation from some other district or distant place. Those who may have the curiosity to examine the reports made by these gentlemen to the Irish Registrar-General for the three quarters ending 31st March last, may thus satisfy themselves, if they please, that no such disease is ever indigenous in a country where the most filthy habits are, by the same identical reports, ascribed to the people. But how, indeed, can we wonder at these ideas from such a source, when, as recently occurred at Ryde, in England—"the land of the brave, the land of the free"—an unoffending citizen can be fined or imprisoned for selling a newspaper not sufficiently disinfected in the opinion of an officer of health, who alleged that by such means disease might have been spread; at the same time stating that he never had carried "contagion" in his own clothes during forty years' practice; going into the air being always, in his own case, a sufficient disinfectant.

Seaports will generally be first affected by epidemics, because the added condition of superfluous moisture with filth is present, ready to affect the unacclimatized stranger, almost invariably the first to suffer—thus furnishing constant and convincing evidence to those who resolutely shut their eyes to any conditions unconnected with the personal transmission of disease. At a seaport, ships are always arriving, themselves not the most sanitary of dwellings, in which the sailor has been well prepared to fall under the newly added poison of the filthy, on-the-eve-of-epidemic-stricken town. Nevertheless, such plague spots as Berlin has been recently described to be by the *Times* correspondent, the season favouring, will assuredly be the seat of epidemic cholera, as it now is of its precursor diarrhœa, and as it has been of small-pox, far worse than even Dublin or Dundee. Assuredly, though no eastern wind, nor stream, nor traveller, carry "*contagium*" (the latest term invented by "science") through the whole German army drawn up in close cordon, to keep out all comers, and streams, and winds. Assuredly, also, cholera is none the less likely to reach London because 380 helpless infants, under one year old, have fallen victims to diarrhœa within one week (10th August).

To sum up in a word. If those healthy persons who would prevent disease could consume none but wholesome food and drink; beware of overdoing, which is undoing; breathe pure air, keep the skin clean, take due exercise, and avoid inoculating poisons of any kind, they may defy epidemic disease, though they spend their lives as ministering angels to the sick; always provided the patients be taken out of the reach of the external poison which conduced to the attack, and brought as much as possible within the healthy control of Nature.

The Public Health Act, 1872, *with special Reference to Plymouth, Devonport, and Stonehouse. By* CHRISTOPHER BULTEEL, F.R.C.S., *Surgeon to the Royal Albert Hospital, Devonport.*

IT has been seen very clearly that, for the proper development of our sanitary laws, two things were requisite: first, the enactment of new provisions under which the whole country should be placed, for sanitary purposes, under one central jurisdiction, sanitary presiding over local sanitary areas and authorities throughout the land; secondly, the consolidation of the existing sanitary laws into one harmonious whole. These subjects have been placed in the above order, not so much to mark their relative importance—for just now they are almost equally important; nor will one without the other satisfy the wishes of this Association—as to indicate the author's opinions as to their order of sequence, should it be impossible to accomplish both objects in one session of Parliament; and this is just what has taken place—the Public Health Act is passed, and Sir Charles Adderley's important Bill of consolidation is left for another year. The above order of sequence appears to be desirable, because, had Parliament commenced with consolidation, they would no sooner have completed it than a new Public Health Act would have followed, which itself would require the process of consolidation. It is quite true that, at the rate at which we are at present going in this fast age, no new enactment for the public health or any other object can be expected to have more than a limited finality; but still it appears desirable that some new Public Health Act such as that which has just passed should be enacted previous to the consolidation of the existing sanitary laws, and that such Act should no sooner be passed than consolidated, as it is to be hoped it will be in the next session of Parliament, opportunity being taken at that time, while consolidating, also to remedy existing defects, and amend faulty provisions. That there are still such deficiencies and faults in the Public Health Act, 1872, is an opinion on which the Council of this and the kindred British Medical Association have already pronounced their verdict; but that the above Act is so defective and faulty that it had better have been thrown out until a more perfect Act could be passed, is an opinion from which the writer of this paper strongly dissents. Nothing will tend more than the passing of this Act to test the soundness or otherwise of the views held by the Social Science Association; and the very breaking down of the machinery at different points, should it occur, will be the means of pointing out where the faults and deficiencies are, and of leading to their being remedied in the Act of Consolidation expected by the country in the next session of Parliament.

It is not the object of this paper to take a general review of the Public Health Act in all its bearings, but merely, in the first place, to refer to some of its more important provisions, pointing out where, in the author's opinion, the chief defects lie; and in the second place,

to give such opinions as shall be expressed a local application to the three towns of Plymouth, Devonport, and Stonehouse.

The provisons of the Act, passed under review, will be those relating to sanitary areas, sanitary authorities, and the appointment of medical officers of health.

I. As regards sanitary areas. It is scarcely necessary to remind this Association that under the Public Health Act the whole of England is divided into urban and rural sanitary districts, an urban district being a borough, or an improvement Act district, or any place under the Local Government Act, all other places being rural; that in urban districts the town council, the improvement commissioners, or the local board, are the ruling sanitary authority, while in rural districts the board of guardians undertakes that office, and that over the whole machinery the Local Government Board presides as the central authority,

Now, this arrangement involves three important defects, which ought to be remedied. First, and most important, is the want of a go-between, or intermediate authority between the local sanitary district and the central Local Government Board; for the present arrangement preserves the worst features both of centralization and of local government, as was so ably pointed out by G. W. Hastings, Esq., the illustrious President of the Council of this Association, in his admirable speech at Leeds, last year. The local government, especially in rural districts, is left in anything but desirable hands, unless the local authority is efficiently controlled by a superior authority nearer home than the Local Government Board; while the central power cannot but become most unpopular, because it will have to poke its fingers into every little parish pie, and cannot fail to raise the cry, and very properly too, against over-centralization. What is wanted, then, is evidently the creation of an intermediate area, and an intermediate authority between the individual sanitary district and the central board in London; and the obvious suggestion is that already made by this and the kindred Association, that each county should constitute such an area, and that a county board should be such an intermediate authority.

The second defect alluded to is the inconsistency as concerns rural districts, of placing some of them under one authority, and some under another, according to the accidental circumstances of their having, or not having adopted the Local Government Act; and thus the argument of uniformity, which was doubtless aimed at in making the boards of guardians the local sanitary authority in rural districts, entirely falls to the ground, while the obvious suggestion comes to the front—of which more by-and-bye—Why not secure uniformity by enforcing the Local Government Act throughout the country?

The third defect with regard to area appears to be that the ultimate local area of a parish or union is far too small. For rural districts at least the whole county should be mapped out into larger areas, consisting of unions of increased size, or, which amounts to much the same thing, divisions of counties of larger or smaller

extent. The Public Health Act, 1872, points in the direction of larger areas under sections 22 and 26. Section 22 empowers the Local Government Board to alter the area of a district, while section 26 provides for the same thing being done on the application of any sanitary district. But is not this clumsy legislation? Parliament should have made up its mind as to what is a desirable limit for the area of a sanitary district, and have carried it out promptly and fearlessly: thus simplicity would have been obtained, and complications avoided.

II. As regards sanitary authorities.

(A) In urban districts the town council, the improvement commissioners, or the local board, are to be, as before, the sanitary authorities; and in all probability they are as good as any other body selected by the ratepayers is likely to be, but let it not be supposed that they are as fit for this work as they ought to be. Even town councils are not always characterized by as much common sense and other desirable qualities which might be mentioned, as ought to distinguish them if they are to be intrusted, not merely with the pockets, but with the health of the ratepayers; and here the opportunity may not unfairly be taken of suggesting to this Association, as a sphere of action not unworthy of social science, the desirability of bringing to bear on the general public, and especially on the upper classes, the importance of taking more interest than they do in the election of their local parliament. Can no means be adopted, such as the suggestion of a local standing committee, entirely free from political bias, who shall voluntarily devote themselves to the task of pointing out to the ratepayers the kind of men who should be elected, securing them as candidates, and giving them active support? There can be no question that within the last twenty years the materials of which town councils and boards of guardians consist have sadly deteriorated; and in many places matters have come to such a pass that it is with the greatest difficulty a gentleman or a first-class tradesman can be persuaded to offer himself as a candidate for municipal or board of guardian honours, because he feels that amidst the storms, and personalities, and jobberies of local bodies, his position would be both unpalatable and untenable; and it is to be feared that the ballot, desirable as it may appear in many ways, yet will have the tendency to make electors more apathetic than ever in recording their votes at municipal elections. Now all this must be altered if sanitary science is to stand a chance of being properly administered. The commonly-received idea, that if a gentleman or first-class tradesman is elected, it means increased expense to the borough or parish, is a delusion; for, on the contrary, no more extravagant body can be found than a board of small tradesmen, or men in that social position who cannot be expected to resist the temptation of playing into each other's hands, too often at the expense of the ratepayers. But to return from this digression.

(B) In rural districts the board of guardians is the sanitary authority under the Public Health Act. Is this a desirable arrangement?

It has simply been selected because it is ready to hand, because it has had already some experience of sanitary work under the Nuisances Removal Acts, and because in the parochial medical officer exists a man who is evidently pointed out by the Act as a desirable person for medical officer of health. There are many objections to the appointment of boards of guardians as sanitary authorities. First, the relief of the poor and sanitary work are two entirely distinct and separate objects, each of which, if properly administered, should afford ample employment for a separate body of men. Secondly, boards of guardians, especially in some rural districts, are not distinguished for breadth of mind or superior intellect; and the manner in which they have exercised their sanitary powers under the Nuisances Removal Acts has not been such as to inspire confidence in their sanitary capacities. Thirdly, it is very questionable whether, with regard to expense, they would really be the most economical board; for, while often distinguished for cheese-paring economy in the relief of the poor, their other expenditure, especially as regards removals and proceedings at law, are too often recklessly extravagant. The above objections may at first sight appear to be met by the provisions of the 13th section of the Public Health Act, under which the board of guardians may appoint, first, a sub-committee of its own members to superintend sanitary work; or, secondly, in the case of a union (for the section cannot apply to the case of an individual parish), they may appoint, for any parish or contributory place of the rural district, a parochial committee, partly of themselves and partly of ratepayers outside their own body, and belonging to such sub-district. A very strange defect appears to be that no number of such outside members is laid down; so that, for ought the Act says to the contrary, a board of guardians of ten may elect a parochial committee of a hundred. Now this savours too much of a mischievous monopoly; for although the multiplication of small boards, with too minute a division of duties, is a curse to the country, it would probably be a greater calamity to place in the hands of such bodies as boards of guardians, not only the relief of the poor, but the superintendence of all sanitary work; and does it not intensify this monopoly to a monstrous degree to give them the power of appointing a larger body than themselves to assist them in doing half their work? So that, in point of fact, while the ratepayers have only the power of appointing a small body of men as guardians, the guardians have the power of electing a much larger body, if they choose, as parochial committees. Such parochial committees, if appointed at all, should surely have been elected by the ratepayers, and thus this monopoly of power would have been avoided.

There are three other sections of the Act which must be referred to here, one of which clearly points out how necessary it will be, should the board of guardians remain the rural sanitary authority, to give them the means of increasing their present powers. Section 23 provides that on the application of the sanitary authority of any rural

district, or of ratepayers, to the extent of one-tenth of the rateable value of such district, the Local Government Board may invest such sanitary authority, conditionally or unconditionally, with the powers of an urban district. Section 24 goes farther, and empowers the Local Government Board to declare any rural sanitary district to be an urban district by provisional order, which, when confirmed by Parliament, places such district under the Local Government Acts, and under the jurisdiction of a local board separate from the board of guardians. Section 25 enables any rural district itself to adopt the Local Government Acts in the ordinary way, on obtaining the consent of the Local Government Board.

These sections distinctly point out the extreme advisability of placing the whole country under one uniform system of sanitary authorities, although Parliament has unfortunately hesitated to carry out what it appears to have suggested as a desirable consummation. Such consummation, there can scarcely be a doubt, will ultimately be arrived at, and that at no distant date, and its effect will be to separate sanitary work entirely from the relief of the poor, placing them under distinct local authorities; to put the Local Government Acts in force throughout the country; and to administer both objects under one central body—the Local Government Board—at whose head should be, what has so long been a great desideratum, a minister of public health.

III. As regards medical officers of health.

Section 10 of the Public Health Act makes it incumbent, both on urban and rural districts, to appoint a medical officer of health, the moiety of whose salary will be paid by the Local Government Board, if he is elected under their regulations. These regulations have not yet been issued; but it is to be hoped that they will provide against the summary removal of an officer of health without the consent of the Local Government Board, and that they will make certain stipulations with regard to the amount of his salary. The section goes on to suggest that a parochial medical officer may also be medical officer of health, an arrangement which will neither be conducive to the comfort and independence of such officer, nor to the best interests of the community. It further offers such officer the distinguished honour of being eligible as inspector of nuisances, or, as it is now less odoriferously, but more euphoniously styled, sanitary inspector. What can the medical profession want more when the honours of such a "triple crown" are placed within its grasp? Let the medical profession, however, well consider whether the acceptance of such an honour as the last named is not rather a degradation and an insult; and let them blush for shame to think that members of a liberal profession should be found willing, for the sake of a paltry increase of salary, to accept such a post as this. Still, they have themselves to thank for it; for the amount of work undertaken by parochial medical officers, both in large towns and rural districts, for a miserable pittance, not worthy to be called a salary, is a shame and disgrace alike to the guardians who offer it, to the medical

man who accepts it, and to the Local Government Board which sanctions it.

The smallness of the local areas for sanitary purposes again appears as the great defect of the Act with regard to medical officers of health. It is quite true that section 10 provides for the combining of adjacent districts in the election of one such officer; but the tendency will undoubtedly be in rural districts to make the parochial medical officer the medical officer of health and sanitary inspector. A larger area for the authority of a medical officer of health is desirable on the following grounds:—First. Because he should in no case be allowed to engage in private practice. It is not too much to say that the position of a private practitioner is quite incompatible with the faithful and satisfactory carrying out of the duties of a health officer. It is not in human nature to suppose that such a man will be likely to carry out his sanitary duties satisfactorily to his employers and with comfort to himself: he must be influenced more or less by the feeling that he is depending for his daily bread on the support of those whose pockets he is called upon to touch in the administration of his public duties; and this would especially apply to rural districts, where the parochial medical officer is often, if not generally, the private medical attendant of those to whom he would have to administer sanitary laws. It is not a fair position to place any man in, to make him the engine of insisting on the carrying out of sanitary work against his patient's inclination. Would it be pleasant for him to condemn his patient's meat as unfit for human food? or, if he were also public analyst, to report that his patient's merchandise was extensively adulterated? It appears important, then, that the medical officer of health should be debarred from private practice on the above ground. But, secondly, with regard to expense, the machinery proposed under the Act will be most extravagant to the country. Many a mickle paid to the health officer of each trumpery district will make a muckle far greater than would be expended by the appointment of a fewer number of men independent of private practice, and presiding over a much larger area; while the work required would be far better done by a class of men educated for the post, well versed in the department of State medicine, entirely untrammelled by any private considerations, and able to devote their whole time and attention to the duties of their office. Finally, let me suggest that medical officers of health should be subject to examination in public hygiene, chemistry, &c., before being appointed by the Local Government Board.

What course, then, should sanitary reformers pursue under existing circumstances?

First. No effort should be spared to bring to bear upon Parliament the great importance of enlarging the area of sanitary districts under an amended and consolidated Act, and of establishing county boards as intermediate authorities between the Local Government Board and the individual sanitary district.

Secondly. Meanwhile, and in view of the possible failure of the

above course, public opinion should be brought to bear on local sanitary authorities, whether urban or rural, to point out to them the importance of making use of the present Act in uniting contiguous districts into larger areas, and especially that such districts should combine in the appointment of medical officers of health, who should be debarred from private practice. Only let it be recognised that a saving of expenditure may be thus effected, and there can be no reasonable doubt that, at least in rural districts under boards of guardians, the course suggested will be adopted extensively; for, however liberal such bodies may be in other items of expenditure, it is not often that one hears of their being extravagant in anything relating to the salaries of their medical officers.

Thirdly. There is one more suggestion which should be regarded as of extreme importance, and that is the desirability of combining the office and duties of public analyst with those of medical officer of health throughout the country, and that it should be part of his duty, not merely to examine food, drink, and drugs, to detect adulterations, but also, in cases of poisoning, in which it is feared justice very often miscarries from the absence of a reliable analysis, to make examinations for the detection of such poisons. The Act for the Prevention of the Adulteration of Food, Drink, and Drugs, of 1861, followed by the Pharmacy Act of 1868, has now been further supplemented by an Amended Act, passed on the 10th of August last—an Act in which one more step has been taken in the right direction, and which offers a good example of the careful and cautious manner in which Parliament appreciates the sense of the country with regard to sanitary questions. The old Act provided, that on the application of the proper local authority, the Secretary of State might sanction the appointment of a public analyst. The new Act not only retains this power, but enacts that the Local Government Board, to whom the powers of this Act are now transferred as the central authority, may themselves order the appointment of such an officer when they think it desirable. One step more is wanted, viz., that as with medical officers of health, so with public analysts, the proper sanitary authorities, when their areas shall have been enlarged, not may, but shall, appoint such officers, and that, except in the largest districts and towns, the medical officer of health should also be eligible for the office of public analyst. Should this take place, it will add immense strength to the argument against such an officer being allowed to engage in private practice; because, in the first place, he will have quite sufficient work, if the area be of proper extent, to occupy his whole time; and, secondly, the duties of public analyst are still more incompatible with private practice than those of medical officer of health. In such a combination of offices, again, the interests of economy will be greatly promoted. Practical and analytical chemists may be of opinion that their proper ground is here being trenched upon, and in all the largest towns, where the duties necessitate the appointing of two men, by all means let them have the appointment; but wherever the area is compatible with the

carrying out of both duties by one and the same person, the argument of economy ought to prevail, care being taken that in all instances the Local Government Board should be satisfied of the competency of the man whose appointment they sanction.

And now, having reviewed very imperfectly some of the provisions of the Public Health Act, 1872, in their general bearing, it only remains to give the views expressed, and their local application to the three towns of Plymouth, Devonport, and Stonehouse.

As far as area is concerned, it would probably never enter the minds of the members of this Association, who have honoured our towns by visiting us from a distance, that there would be any distinction of urban and rural between the three towns in which the present congress is being held. They would scarcely be likely to realize—what is, nevertheless, a fact—that, as they wend their way in our beautiful tram-cars from the urban district of Plymouth to the urban district of Devonport, they are passing through the rural district of Stonehouse, a town in which the author has the honour of residing. Stonehouse is, in point of fact, geographically continuous with Plymouth, attached for Parliamentary purposes, as a distinct township to the borough of Devonport, while in all other respects it is blessed with county organization, including county magistrates and police, surveyors of highways, absence of bye-laws, &c.; and for sanitary purposes, having no local board, it is essentially a rural district, and its sanitary authority is now the board of guardians. Now, had Stonehouse been wise enough some years ago to have adopted the Local Government Act, this ridiculous anomaly would not have occurred, as the local board would then have become the sanitary authority, and would continue to be so under the present Act. But in an evil hour the utterly false cry of increased expense was raised, and Stonehouse decided to appoint a sewer authority, under the Sewage Utilization and Sanitary Acts, of which authority the author has had the honour of being chairman for the last few months. These Acts give the same powers as the Local Government Act, with regard to sewerage and water supply, but they go no farther. Thus Stonehouse deprived herself of many of the advantages of the sister towns, and adopted a course which, though at the time a step in the right direction, left many desiderata, the want of which could not but interfere with her prosperity, and make her a constant butt for the local press, who sometimes go so far as to call her "Poor Stonehouse," or to head a sensational paragraph, with "Stonehouse again," or other such disparaging expressions.

To give an instance of the disadvantage of having no power to make bye-laws. In a population like that of Plymouth, Devonport, and Stonehouse, constituting both a seaport and garrison, prostitution of course exists to a considerable extent; though, thanks to the beneficial operation of the Contagious Diseases Acts, it has been greatly reduced in extent. In Plymouth and Devonport the borough police, acting under stringent bye-laws, assist in checking the concomitant evils of prostitution to a great extent; while Stonehouse,

having no such bye-laws, becomes a nidus to which these women flock from the sister towns.

But to return. Stonehouse elected a sewer authority in 1866, and under their auspices an entire new system of sewers and drains has been constructed; and thus a town which was in the most miserable condition from defective drainage, is now more thoroughly drained than either Plymouth or Devonport, although its low and level situation has made it very difficult to get a sufficient fall in some of the sewers, making their constant flushing a matter of the greatest importance. Again, the town being built immediately on the limestone rock, has made the work expensive and laborious. The Public Health Act, 1872, has ruthlessly swept away all sewer authorities (without, however, repealing the clauses of the Sanitary Act under which they were elected), and thus the happy or unhappy medium which Stonehouse had chosen is no longer possible, and the board of guardians becomes the sanitary authority of the rural village of Stonehouse. The Public Health Act does not leave this matter without a remedy, but points out three ways, already alluded to, in which Stonehouse may obtain the powers so necessary for her prosperity. Thus the Local Government Board may, under section 24, declare that town to be an urban instead of a rural district by provisional order; and on such order being confirmed by Parliament, a local board will be elected, separate from the board of guardians, under the Local Government Act; or, under section 25, the ratepayers may themselves, with the consent of the Local Government Board, adopt the Local Government Act; or, under section 23, the Local Government Board may, on the application of the board of guardians, invest that board, with or without conditions, with the powers of an urban district. Stonehouse is acting up to the emergency. The sewer authority has unanimously adopted a petition to the Local Government Board, asking that Stonehouse may either be made an urban district under section 24, or allowed to adopt the Local Government Act under section 25. This petition has been backed up by another from the inhabitants, which was influentially signed in a few days, and includes the signatures of most of the Government officials in the Royal Marine Barracks, Royal Naval Hospital, and Royal William Victualling Yard, as well as those of six out of nine of the elected guardians of the poor. With great inconsistency, however, the board of guardians have since unanimously adopted a petition, asking that they may have the powers of an urban district conferred upon them as the sanitary authority—an inconsistency which is probably explained by the fact that, through misapprehension or misleading, they failed to appreciate the difference of effect between the 23rd section of the Act as compared with the 24th and 25th sections. That Stonehouse will, however, soon be called upon to elect a local board is no longer a matter of much doubt, and the voice of the ratepayers will soon be consulted on the matter in public vestry. The desirability of such a proceeding rests on the following grounds :—

I. Stonehouse is urban and not rural, containing a population of nearly 15,000, on an area of 385 acres, 200 of which are covered by large Government establishments. It lies immediately between Plymouth and Devonport, being geographically continuous with Plymouth, while it is attached for Parliamentary purposes to Devonport, and is entirely surrounded on the land side by these two boroughs.

II. Since 1866, a sewer authority having been elected under the Sanitary Act, and having carried out satisfactorily all sanitary arrangements intrusted to it, it is manifestly a step in the wrong direction to remove the authority from the present board, and to place it in the hands of the board of guardians.

III. In a town of nearly 15,000 inhabitants, the majority of whom belong to the poorer classes, the relief of the poor affords quite sufficient work to occupy all the time and attention which a board of guardians may reasonably be supposed to have at its disposal.

IV. With regard to expense, which, after all is the principal item in the eyes of the ratepayers, the immediate effect of the transfer of the sanitary power to the board of guardians would be a considerable increase to the salary of the clerk to the board of guardians, and the payment of compensation, under section 33, to the clerk of the sewer authority, who loses his position, while, if a local board be appointed, the clerk to the sewer authority is bound, by section 37, to continue his services, as clerk to the local board, on such terms as they may determine. But beyond all this, it will not be difficult to show that the expenditure of the Stonehouse board of guardians, in certain items, is most extravagant; not, indeed, in the actual relief of the poor, where the strictest economy undoubtedly prevails, but in the machinery through which such relief is administered. Let us take the annual report of the Local Government Board, and compare the expenditure of Stonehouse, in the items referred to, not only with that of Plymouth and Devonport, but also with that of any union in the county of Devon, with other places, and with the whole of England. The report gives us the expenditure for relief of the poor, and for purposes connected therewith, under seven different headings—(*a*) In-maintenance; (*b*) Out-door relief; (*c*) Maintenance of lunatics; (*d*) Workhouse loans repaid and interest thereon; (*e*) Salaries and rations of officers; (*f*) Other expenses connected with relief; (*g*) Cost of proceedings in law and equity. The fourth heading is purposely omitted from the following calculations, because the repayment of loans does not justly enter into the current expenses of the year for the relief of the poor, and belongs rather, in principle, to a capital than to a revenue account. Moreover, there are only five out of the twenty unions in Devon where this item is represented at all. With regard to the other items, *a*, *b*, and *c* are classed together as representing real relief to the poor, while *e*, *f*, and *g* are also classed together as representing the machinery or working expenses through which such relief reaches its destination. The totals of *e*, *f*, and *g*, compared with the grand totals of *a*, *b*, *c*, *e*, *f*,

g, will show the per centage of machinery to total expenditure for the relief of the poor and purposes connected therewith. Appended to this paper is a table, in which those per centages are worked out; first, for Plymouth, Devonport, and Stonehouse; second, for every union or local government district in the county of Devon; thirdly, for the whole of England. Care has been taken not to rely on the returns of one year only, but to take two years, ending respectively Lady-day, 1866, and Lady-day, 1871; so that the returns may not be looked upon as exceptional. The following facts will appear from the tables in the report referred to. Taking the whole of England, it will be found that the total expenditure under the above six headings was, in 1866, 6,300,924*l.*, the three items representing machinery costing 1,348,973*l.*, or a per centage of machinery to total expenditure of 21·40 per cent. In 1871 the figures are total, 7,613,519*l.*; machinery, 1,666,360*l.*; per centage, 21·88. Taking the county of Devon, the figures are, in 1866, total 184,024*l.*; machinery, 28,782*l.*; per centage, 15·64. In 1871, total 218,502*l.*; machinery, 33,075*l.*; per centage, 15·13. Taking the three towns of Plymouth, Devonport, and Stonehouse, the matter stands thus:—

—	1866.			1871.		
	Total.	Working Expenses.	Per Centage.	Total.	Working Expenses.	Per Centage.
Plymouth ...	£19,648	£1,945	9·89	£23,825	£2,160	9·06
Devonport ...	11,770	1,876	15·93	13,856	2,419	17·45
Stonehouse ...	3,795	832	21·94	4,787	1,352	28·24

From this it will be seen that while the per centage of expenditure in what may be termed machinery of poor-law administration in Plymouth and Devonport is below the average of the whole country, in Stonehouse the average of all England was slightly exceeded in 1866, and very considerably exceeded in 1871. Compared with the county of Devon, in 1871, Plymouth is still far below the average; Devonport somewhat above it; while Stonehouse approaches a double per centage; the figures being, for Devon, 15·13 per cent.; for Stonehouse, 28·24 per cent. Proceeding to compare the three towns with each other, in 1866 the per centage of machinery of administration to total was, in Plymouth, 9·89 per cent.; in Devonport, 15·93 per cent.; in Stonehouse, 21·94 per cent. In 1871, in Plymouth, 9·06 per cent.; Devonport, 17·45 per cent.; Stonehouse, 28·24 per cent. To put the matter somewhat differently, in Plymouth there has been a total increase of expenditure from 1866 to 1871, under the six headings referred to above, of 4177*l.*, while the increase in machinery of administration has been only 215*l.*, and the per centage of machinery to total has fallen from 9·89 to 9·06. In Devonport, with a total increase of 2086*l.*, the increase of machinery has been 543*l.*, and the per centage has increased from 15·93 to 17·45. In Stonehouse, with a total increase of 992*l.*, the

increase of machinery of administration has been 520*l.*, and the per centage has increased from 21·94 to 28·24. Again, the relation borne by the three headings *e*, *f*, *g*—salaries and rations of officers, other expenses, and proceedings at law—to the headings *a*, *b*, *c*—in-maintenance, out-relief, and maintenance of lunatics—in other words, of machinery of administration to real relief to the poor, was in Plymouth, in 1866, as 1 to 9·10; in 1871, as 1 to 10: in Devonport, in 1866, as 1 to 5·27; in 1871, as 1 to 4·72; in Stonehouse, in 1866, as 1 to 3·56; in 1871, as 1 to 2·54.

But although the above per centages may be taken as giving a tolerably fair result, when the statistics of the whole country, or even of a county, are examined, there is an important source of fallacy in applying them to the case of single towns, viz., that it is necessary to compare the total expenditure of each with the population, because the lowness of the per centage of working expenses may merely mean an extravagant expenditure in relief to the poor. And this is the case, to a marked extent, with Plymouth, as compared with Stonehouse and Devonport, especially under the heading of out-door relief. It does not, however, alter the question as between Stonehouse and Devonport, because the relief of the poor under headings *a*, *b*, *c*, referred to above, is equally economical in both towns. If, however, a high rate of expenditure has to be borne, it will probably be regarded as the least evil of the two, that it should take place, as at Plymouth, in giving real relief to the poor than in costly working expenses; and Plymouth may still be proud that the working expenses, under headings *e*, *f*, and *g*, referred to above, are lower in Plymouth in 1871, with its population of 68,080, than in Devonport with its population of 50,094, the figures being, for Plymouth, 2160*l.*; Devonport, 2419*l.*; while in Stonehouse, with a population of 14,586, the large sum of 1352*l.* has been thus expended.

In order to correct the above source of fallacy, a Table has been drawn out, in which the total expenditure is first compared with the population, and the cost per head worked out, the same process being also applied to the two divisions of relief to the poor and working expenses. The results are as follows:—In 1866, the total expenditure of the three towns, as compared with the population, gave an average cost per head of the population of 5*s.* 6*d.* In Plymouth, the average cost was 6*s.* 3*d.*; in Devonport, 4*s.* 8*d.*; in Stonehouse, 5*s.* 3½*d.* The average cost of the three towns of 5*s.* 6*d.* per head was made up of 4*s.* 9¼*d.* spent in relief, and the remaining 8¾*d.* in working expenses. In Plymouth, the average of 6*s.* 3*d.* was made up of 5*s.* 7¾*d.* spent in relief, and 7¼*d.* in working expenses; in Devonport, the average cost of 4*s.* 8*d.* was made up of 3*s.* 11*d.* spent in relief, and 9*d.* in working expenses; in Stonehouse, the average cost of 5*s.* 3½*d.* was made up of 4*s.* 1½*d.* spent in relief, and 1*s.* 2*d.* in working expenses. The similar figures for 1871 will stand thus:—

—	Total Average of Expenditure per Head.	Average Cost for Relief per Head.	Average Cost of Working Expenses.
Plymouth ...	7s. 0d.	6s. 4½d.	7½d.
Devonport ...	5s. 6½d.	4s. 6¾d.	11¼d.
Stonehouse ...	6s. 6¾d.	4s. 8¾d.	1s. 10¼d.

The total average expenditure per head for the three towns in 1871 was 6*s.* 4¾*d.*, made up of 5*s.* 6*d.* average cost of relief, and 10¾*d.* average cost of working expenses.

It will thus be seen, that while in Stonehouse in 1871 the average cost per head of the population was less than that of Plymouth, and not much more than that of Devonport, the average cost of working expenses on the other hand was largely in excess of Devonport, and just three times the average of Plymouth.

It would be by no means fair to single out from the Local Government Board report one heading of expenditure, and draw a general deduction therefrom; but when the different headings are classed together, as has been done above, and in the tables appended to this paper, there can be no great fallacy in the result, it being always, however, freely acknowledged that the administration of a single parish like Stonehouse must be expected to show a higher per centage than a large town like Plymouth or Devonport. Moreover, Stonehouse occupies a somewhat exceptional position in having as part of its population a permanent military corps, the Royal Marines, whose wives and families cost the parish a considerable amount under the item of removals. This is, however, by no means sufficient to justify the enormous discrepancy just referred to. Were we, for instance, to take the single items of "proceedings at law and in equity," a fair deduction could not be drawn, because in many places the clerk's salary includes these charges. In Plymouth this is the case, and consequently nothing at all is entered under the above heading. In Devonport the cost was 123*l.* in 1866, and 72*l.* in 1871. In Stonehouse the cost of proceedings at law and in equity was, in 1866, 331*l.*; in 1871, 421*l.* Now, as just acknowledged, although no fair deduction can be drawn between the three towns from this single heading without including, as has been done in the above statistics, the salaries of officers, and other expenses connected with relief, yet it does appear somewhat out of proportion that, with the exception of the Metropolis, Stonehouse should occupy, in 1871, the fourth place on the list for the whole of England under this one heading. The other places are as follows:—

—	Population in 1871.	Total Receipts from Poor Rates for all Purposes.	Cost of Proceedings at Law and in Equity.
Birmingham	230,946	£113,728	£711
Liverpool	938,353	153,714	614
Dudley	134,104	37,028	531
Stonehouse	14,586	5,654	421

Again, the cost under this heading of the whole county of Devon, for 1871, was only 1219*l.*, Stonehouse thus contributing more than one-third of the county expenditure.

The above statistics are respectfully commended to the attention of those whom they may concern, and especially to that of the Local Government Board, of the Stonehouse board of guardians, and of the ratepayers of that town. The only deduction which it is the purpose of this paper to draw from them at present is, that on the ground of extravagant expenditure in working expenses, if on no other ground, the Stonehouse board of guardians is not the body which ought to be intrusted with the administration of sanitary proceedings under the Public Health Act, 1872. The simple fact appears to be that gentlemen of the best possible character and intentions, having once taken their seats on these boards, are not sufficiently vigilant of the expenditure which goes on, but take it for granted, on the word of officials, and of a few of the more experienced members of the board, that all is right with the machinery of administration, and that it is the relief of the poor, and that alone, which requires their scrupulous and assiduous attention. The remedy is simple. Let the overseers' accounts be published in every parish or poor-law district from year to year. It is public money which is being expended, and the public have a right to know, not merely the total sum expended in poor-rates, but each item under which such expenditure has taken place; not only as regards relief of the poor, but especially as regards the expenses of removals, and the cost of legal proceedings, so that there may be a fair opportunity of seeing through what channels the great leakage occurs, whether it be in relief or in working expenses.

It only now remains to apply locally the general principles enunciated with regard to the appointment of medical officers of health and public analysts. Some months ago, during the prevalence of a small-pox epidemic, the author had the honour of reading before the Plymouth Institution a paper, in which was urged the great importance of the erection of a permanent fever hospital for the three towns, under the provisions of the Sanitary Act, a proceeding which would undoubtedly be one of the truest economy, as calculated to save these towns, not from the occurrence of another epidemic, but from its rapid and extensive spread, should it occur, providing as it would a place of refuge, where the first cases occurring could be at once isolated, and the epidemic be thus deprived of half its virulence, while the pockets of the ratepayers would be saved such an expenditure as is periodically demanded of them whenever a like calamity occurs.

More recently, the author has addressed the local press since the passing of the Public Health Act, urging the importance of the three towns combining to appoint one officer, who shall be medical officer of health and public analyst. It has been urged that the district is too large; but this will not be found to be the case, provided that the officer appointed be debarred from private practice.

Difficulties might indeed arise at starting until such an officer, if a stranger, becomes acquainted with the locality; but when once in working order, one efficient officer would be quite equal to the post. The opinion of the medical profession of the three towns will shortly be taken on this matter, with a view, should they think fit, of memorializing the three sanitary authorities on the subject. Could the sanitary authorities realize the true economy of the arrangement proposed, there can be no doubt it would be speedily executed; and yet, when the importance of the opportunity of obtaining an officer who would carry out the duties both of public analyst and of officer of health at a moderate salary, one-half of which would be paid by the Local Government Board, is considered, who cannot but recognise the economy of the three towns of Plymouth, Devonport, and Stonehouse, combining for such an object?

It is not necessary to dwell upon the importance of the duties confided to a medical officer of health and public analyst; but for the sanitary authorities and the public generally to understand how their own health and safety, and the prosperity of their towns is concerned in such an appointment, is most necessary; nor can any one have carefully considered the reports of the medical officers of health for London and other large towns without acknowledging that the greatest benefits have accrued from their incalculable services. Yet by many in these towns, who ought to know better, the whole matter is being pooh-poohed as utterly unnecessary, and the duties talked of as likely to be just as efficiently performed by an inspector of nuisances as by a medical man. The duties, however, are such, especially if the office of public analyst is taken into account, as cannot be efficiently performed except by one who is to some extent versed in the newly-created department of State medicine. If the locality is to derive all the benefits possible from the appointment, it will not suffice simply to offer a parochial medical officer a small addition to his salary, and to intrust him with the duties referred to; but such appointment should be given to one who can prove, as far as possible, his qualification for such an office, and who shall be rigidly debarred from engaging in private practice; and there can be no possible difficulty in obtaining such a person at a moderate salary.

To conclude, the author feels that sanitary, like all other truths, will bear repetition; and not only so, but that if Parliament has to be influenced, these truths must be repeated again and again? Line must be upon line, and precept upon precept. It is only thus that any of our great sanitary and reformatory measures have been carried; nor has any more weighty and important influence been brought to bear upon the question of sanitary reform than that exercised by the two kindred Associations just referred to. Nor is it of less importance that these truths should be brought to bear on the public as well as on Parliament, and that they should learn to know that it is not the selfish interests of a narrow-minded profession, nor of a group of half-mad savans, that leads them on in the

path of sanitary reform; but, on the contrary, that the noble profession to which the author has the honour to belong, comes to the front in the battle against its own immediate interests, inasmuch as the improved health of the country means less for the doctors to do, and that in the path it is pursuing, hand in hand with the Social Science Association, it is consulting with perfect disinterestedness the real welfare and the best interests of the whole population.

As far as this neighbourhood is concerned, what is regarded as one of the greatest, and by many as an insuperable, difficulty in carrying out the above suggestion, is the impossibility of getting these three towns to act together in any object in which their common interests are concerned: but the author refuses to libel the towns of Plymouth, Devonport, and Stonehouse, by believing in any such impossibility, though he is well aware of the jealousies which exist between them. The cordial manner in which the three towns have combined to do themselves honour in the reception of the Social Science Association on this occasion is surely an augury of better things; and if it should be the means of teaching them to unite in faithfully and efficiently carrying out some of the details of the Public Health Act, this Association will have added one more to its already numerous claims on the warm sympathy and hearty support of the whole community.

MISCELLANEOUS.

The report of the Joint Committee on the Amendment of the Sanitary Laws and the Administration and Organization of State Medicine of the British Medical and Social Science Associations, was read.* The report stated that the introduction of the Public Health Bill, 1872, by her Majesty's Government, had engaged the earnest and continuous attention of the joint committee. In that measure the cardinal principles laid down by the committee, as essential to any well-considered scheme of reform of the laws relating to the public health, and of the authorities by whom such laws should be administered, have been entirely ignored. No attempt has been made to consolidate or amend existing laws, and the Bill, which was carried through the House of Lords without even a pretence of discussion, contents itself with reconstituting the existing sanitary authorities. With the exception of making the appointment of medical officers of health compulsory, it leaves the urban authorities as they were; while it makes a new uniform division between urban and rural districts, and converts such portion of the union as does not include any urban district into a rural district, presided over by such portion of the guardians as does not include representatives from any urban portion of the union. It further proposes to vest most important centralizing functions in the Local Government Board, who

* This Report may be had at the office of the Association.

are to appoint inspectors, not necessarily medical, who will have the power to supervise, and to a large extent to control, the action of all these newly-constituted boards. Medical officers of health are to be appointed in every such district, in the first instance for a period not exceeding five years, and their salaries may be partially paid out of the Consolidated Fund. The committee had, on two occasions, had interviews with the President of the Local Government Board, and pointed out to him their grave objections to that which they could not but consider a most inefficient and faulty scheme. Extended areas of local government, intermediate authority, a local elected authority representing both property and payment of rates, consolidation of medical and sanitary functions within each unit of area for administration, including a thorough and comprehensive registration of sickness, the extension to the provinces of the Poor-Law dispensary system, efficient officers, special medical talent of a high order, and adequate protection for all officers in the discharge of their duties, were the great considerations continuously urged by the committee on the Government—they regret to say, without effect. Though the labours of the committee have hitherto apparently had but little effect in controlling the action of the Legislature in the settlement of the first part of this great question, they cannot forget that the larger measure promised by Her Majesty's Government, namely, the amendment of the law itself, and the probable amendment of this statute, will have to be considered in the next session of Parliament. They would suggest to their successors, if the committee shall be continued, the extreme importance of collecting particulars of information relating to the working of the Act with respect to the appointment of officers; and specially as to medical appointments under the new Act, namely, the area and population of each district committed to a medical officer of health, specifying whether he receives the appointment as a poor-law medical officer or not, the amount of his salary or remuneration for sanitary duties, whether paid in part by monies voted by Parliament, and generally the conditions of his appointment.

Mr. George Foggo read a paper on "The Policy of Restrictive Measures in Quarantine as applied to Cholera and Cattle Plague."* He said—It seems to be entirely taken for granted that Government interferences and restrictions upon the entrance into the country of persons or cattle suffering from epidemic disease are expedient and necessary. There was a time, twenty or thirty years ago, when it was disputed. The advocates of restriction at the present time say that protection against disease is precisely the same in principle whether applied to the landing of cattle affected with disease or men suffering from cholera. Consequently, they further say, it has been necessary to establish a vigorous investigation of animals imported into Great Britain from foreign countries. It does not appear from

* The author has had this paper printed in pamphlet form.

the special reports, and generally from the practical experiences of those men qualified to judge, that such matters as regards cattle are so efficient as to recommend the system. Attention is asked to the opinions that prevailed among high authorities, though not without dispute, several years ago in this country, and especially in France, which went to show that epidemic disease of human beings could only be dealt with by sanitary measures, not by restrictive measures or quarantine. There was not much fear of cholera at present, but cattle disease imported from abroad in various forms is the subject of immediate alarm. It is then suggested whether, supposing it to have been established at the period before mentioned, quarantine regulations as applicable to human beings were inexpedient, it might not now result from patient scientific investigation that quarantine for cattle attacked, say with plague or foot and mouth disease, is equally inexpedient, and divert attention of patient scientific investigation into the cause of such disease; to say nothing of there being no chance of improvement in the mode of carrying out trade in foreign cattle by the introduction of cattle into what is comparatively a new trade, so long as Government enforces no restrictions.

A paper on "Some of the Eccentricities of Recent Sanitary Legislation," by Mr. WILLIAM HOPE, V.C., was read. By the Metropolis Local Management Act of 1855, and its amendments, the ratepayers of London are heavily rated for the purpose of pumping the sewage of London into the Thames. By the Thames Navigation Act of 1870, the same unfortunate body of ratepayers are made to pay for dredging it out again. Local boards are encouraged by the Government to obtain land and apply this sewage to it for farming purposes. No farm, whether sewage farm or not, can ever pay unless it be sufficiently stocked and supplied with "farming capital," yet local boards are not to be allowed to raise this necessary capital of 10*s.* or 12*s.* per head of the population, except by means of a direct rate. It is accordingly not raised, the farms do not pay, are not properly cropped and worked, are an additional burden instead of a relief to the ratepayers; and all this, added to improper laying out, makes them too to become dangerous nuisances. By section 49 of the Public Health Act, of 1848, municipal bodies are compelled to receive into their sewers practically all the refuse that it may suit the inhabitants to turn into them; but the Court of Chancery grants injunctions whenever called upon to restrain towns from polluting rivers or the sea with the filth which Parliament compels them to receive into their sewers. In compliance with the Act of 1848, the town of Birmingham, with a population of 350,000, has duly polluted the river Tame. In 1858, Sir C. Adderley obtained an injunction against the corporation, restraining them from putting the sewage into the river. The corporation thereupon turned the sewage upon the land adjoining the outfall, intercepted the solid matter by straining tanks, and made great ponds and collections of it upon the land, upon which certain neighbouring owners and occupiers got an in-

junction, restraining them from putting it upon the land. This was no doubt awkward. After passing through much tribulation, and being sorely exercised as to how they were to dispose of the present that Parliament had so thoughtfully made them, the corporation finally called in Mr. Hawksley and himself, and a scheme was prepared for diverting the sewage, and applying it to distant, isolated, and almost waste land upon a proper system. This scheme was violently opposed in Parliament. The Bill was thrown out, and the town of Birmingham was now left virtually without a sanitary authority.

General Scott contributed a paper on "The Cleansing of Sewers and the Purification of Sewage."* The paper commences by quoting the authority of Messrs. Austin and Rawlinson to the effect that surface drainage was often more noxious than house drainage, and would require defecation and deodorization if the dry-earth system or midden system was resorted to. The subject of the purification of sewage divided itself under three heads:—1st. The remedying the effluvium from street sewers and house drainage. 2nd. The getting rid of the grosser fecal matter at the outfall. 3rd. The rendering innocuous the dissolved matter of the effluent. For the sewer emanation, the paper suggested the introduction, as a precipitating material, of milk of lime converted partially into chloride of lime on the spot and introduced at the head of each main sewer. It was stated that the plan had been tried with great success in Ealing. 2nd. It was proposed that the precipitate then formed should be allowed to subside in tanks at the outfall and the deposit be converted by distillation into charcoal (when the deposit is not converted, by calcination, into cement or phosphatic lime) to be used for the final purification. And, 3rd, it was stated that when the condition was not favourable for irrigation the most convenient plan was to extract ammonia from the clarified effluent by the use of phosphate of magnesia, and filter the water which would pass off from this operation through the charcoal prepared under the second head or through land. The paper describes the expedient by which, as the author stated, the phosphate of magnesia might be economically and successfully applied. The plan proposed for dealing with sewage is based on two principles:—1st. In respect of purification, the noxious ingredients of the sewage are attacked in detail. 2nd. In respect of the produce of the process, the various steps are conducive to the preparation of a rich manure, which will bear carriage and find a ready market; and not to the manufacture of a manure which has to be fortified with extraneous fertilizers in order to make it saleable.

Mr. Robert Symington read a paper on "Sewage Filtration,"† descriptive of the method of dealing with sewage proposed by Mr. Strang, of Glasgow. The principal feature of this method consists in

* This paper has been printed in full by the author.
† See *Transactions*, 1871, p. 411.

the interception of each kind of sewage in detail at its source, by means of an apparatus designed for the purpose, which retains for separate removal all the excremental and other polluting matter, and allows only the water in a harmless condition to pass into the drains.

Mr. Henry Greenway, M.R.C.S., of Plymouth, read a paper on "A New Mode of Hospital Construction." He said that, as a rule, it had been found that the statistics of large hospitals would not bear comparison with those of small infirmaries, which arose partly from the greater facility of infecting which existed in large wards occupied by a number of patients, although the cubic space per bed might be ample. Particles (disease germs they are sometimes called) float about in the atmosphere, and in a surgical ward containing it may be, but a single infectious case, the wounds of other patients would take an unhealthy action; and the very walls of the ward may, and frequently do, become the means of perpetuating the infection. Occasionally we hear of infection suddenly breaking out in a ward without any apparent cause. This may possibly arise from particles, originally harmless, having been absorbed by the walls, and afterwards undergoing a change in their nature and effect. To obviate all this, it has been proposed to do away with our large palatial hospitals, and place our patients in small wooden huts, to be used only for a few years and then replaced by new ones. As this plan would require a large area, it would be impracticable to important cities, where land is expensive, and under any circumstances it would prove difficult in administration. The building should be no more than two storeys high, but of any required length, according to the number of beds, and should be so divided that each patient would have the enjoyment of his own supply of atmospheric air, uncontaminated by exhalation from his neighbour; the supply of air would be constantly renewed; the compartments being made of glass no absorption of morbid product or emanations, which may eventually become injurious, could take place; and by occasionally washing them with water they will ever retain their purity. Although the building just described is intended for the reception of all kinds of cases, the author would venture to suggest the advisability of making additions of this character to existing hospitals, for the reception of infectious diseases from the general wards, thus locating, without intensifying, infection—a condition which does not obtain in fever hospitals. The author would also advise the erection of such buildings for the upper and middle classes of society, so that the infectious cases may be removed thither from private residences, and thus probably prevent the spread of infection in families—the patients to be treated by their own private medical attendants, and to be charged moderately for board and lodgings, nurse, &c. Instead of using water to convey heat it was suggested a sort of paraffin oil might be heated, and circulated through smaller pipes. By this means, high temperature can be gained with a small amount of fuel. Instead of the foul air being conveyed into

the external air, the outlet flues might be made to open into a tube, which would lead to a fire or a highly-heated flue as carried out, the author was informed, in some of our steamships. Not only would ventilation be thus insured, but infection be destroyed by heat. The author's aim was to prevent patients who were living under one roof, becoming a source of injury and annoyance to each other, to benefit and please each individual, and to render the building itself as little a pest-house as possible, and he thought by carrying out his plan such would be the effect.

A paper on "The most effective Means of Preserving Purity of Atmosphere," was read by Mr. W. J. Cooper, in the course of which he stated that the preservation of atmospheric purity would be the main object of sanitary action, for in a vitiated atmosphere food rapidly became tainted, water poisoned, and individuals sickened and died. The sources from which the air became poisoned should be detected at once for the purpose of eradicating the evil. The writer recommended as a preventive for the gases, chloride of calcium. At a cost of 1s. per head, the population of London could be preserved from the operation of sewer gases.

Dr. W. H. Pearse, of Plymouth, read a paper on "Ventilation and Health in Ships."* His experience had been drawn from emigrant passenger ships; these ships having a clear between decks, or divided by bulkheads, which allow passage of air. Passenger steamers are often inadequately ventilated, as in bad weather, the ports have to be shut, there being no other adequate means of ventilation; the greatest discomforts then exist. Emigrant ships are always fully ventilated, independent of all side openings. A ship must be provided with means for ventilation suited to calm and high winds; to tropical and cold latitudes; all these conditions are met with in one voyage. The first part of the subject is to discover the general rule or law of ship ventilation. In illustration he took the instance of the ship *Accrington*, of 1900 tons, Southampton to Melbourne, 1862, with over 400 people in the between decks. He said it was necessary to provide means of escape at both ends of the ship, but whilst at one end the escape is taking place, so at the other end the compensating down-pour of cold pure air is going on. As the rush below of cold air, especially at night, is dangerous, such end has also to be provided with means for protection; this has been effected by canvas screens. The paramount end in ventilatation is, first, to secure means for the escape of the warm foul air; but hardly less important are the means for the protection from cold and draught. The object of escape has been found in many voyages to be most effectually attained by means of cowl-headed tubes, which were strictly kept open to leeward. Two such tubes of sixteen inches in diameter, at each extreme

* This subject is fully dwelt upon in a pamphlet by the author, "Notes on Health in Calcutta and British Emigrant Ships, including Ventilation, Diet, and Disease." London, Churchill and Sons.

end of the ship, will carry off the foul air of 400 or 500 people, who have been below all night, and when the deck openings have been considerably shut, the draught of escaping air up such tubes is most violent. The second part of the subject is that of the relation of ventilation to health and disease. In his earlier experience he had the greatest fear of fever and disease breaking out from want of ventilation, but voyage after voyage forced on him the conviction that a greater danger lay in cold, depressing influences, and draft; in fact, in excessive ventilation. People of low vital resistance will pass into their respective diseased rates and tendencies, under the depressing influences, or shock, which happens in their systems, when first launched from their accustomed habits and surroundings to the sea. Due and effective ventilation is of the first consequence, but if a medical officer ventilate from fear of poisons and germs to a degree which shall depress the people, he will cause the appearance of disease. On the contrary, if he remember that disease is a natural deviation of normal rate, and if he aim to conserve the vital powers of the system, he will sustain the people in health.

Mr. T. LITTLETON, F.R.C.S., of Plymouth, read a paper on "The Mortality of Infants." The section of the inquiry to which he wished to direct attention was the suffocation of infants from over-laying. The Registrar-General, in an instructive paragraph of his return of the health of London, directs attention to the number of children in each week who are suffocated or overlaid in bed. Suffocation, chiefly among children, is becoming more prevalent than ever. The total deaths registered in London from this cause in the ten years 1858 to 1867 was 3613—viz., 1542 in the five years 1858 to 1862, or an average of 308 per annum; and 2070 in the five years 1860 to 1867, or an average of 414 per annum. Ten years ago the number of deaths by suffocation in 100,000 of population in the metropolis was 8·6, whereas the populational number was now 14·8, the deaths having increased from 230 in 1858 to 457 in 1867. Suffocation in bed from overlaying, &c., is the most frequent violent death of infants. The returns show that of 100 deaths at all ages, 85 were those of infants under one year of age. About 51 of these deaths were caused by bedclothes, 31 by overlayings, and three by food. Only a few of the deaths of infants from suffocation were returned at the coroners' inquests as murder, and that death in many cases was the result of accident through carelessness, rather than of design, may be inferred from the fact that the deaths were most fatal in cold weather. Thus, of 100 deaths in London in 1867, 37 occurred in the winter months, 26 in the autumn, 22 in the spring, and 15 in the summer months. In England and Wales in the eight years 1858-65 there were 8580 deaths referred to suffocation, the death-rate in each year to 100,000 of population being 4·6 in 1858, 4·9 in 1859, 5·4 in 1860, 5·1 in 1861, 5·1 in 1862, 5·6 in 1863, 6·1 in 1864, and 6·3 in 1865. As long ago as 1732 Mr. Oliver St. John, to the Royal Society, said, "When we consider how many

children are charged as overlaid in the bills of mortality, it is remarkable that the *arcuccios* universally used in Italy are not used in England." Every nurse in Florence is obliged to lay the child in it under pain of excommunication. The *arcuccios* with the child in it may be safely laid entirely under the bed clothes in winter without danger of smothering. It would be seen that the apparatus bore some resemblance to the cradle, which is universally adopted in hospitals to shelter an injured limb, and there could not be the least doubt but that its introduction into general use would very materially reduce the number of deaths from suffocation among infants. Some of our most valuable means of preventing and curing disease had been held in abeyance for even longer periods than the simple contrivance has been under notice.

Mr. EDWARD VIVIAN of Torquay, read a paper on "Vital Statistics," in which he gave his experiences of a Temperance Provident Association open to total abstainers and the general public. From this it appeared that the mortality among the "total abstainers," insured in the office during the last five years, was 26 per cent. below the averages upon which the tables are calculated; whilst in the "general section," which is open to the public, it was only 7 per cent. less. Innkeepers and publicans, with their male servants, die at a rate far exceeding that in any other occupation. Their annual mortality, he stated, is 25·0 out of every 1000 living; whilst the average was only 16·2 amongst the general population. Comparing this with the experience of the Temperance Provident Association, he showed that nearly two deaths out of every three amongst publicans as compared with total abstainers, was attributable to their vocation and constant tippling, generally short of intoxication.

A paper on "A Medical Midnight Mission in the Streets of Birmingham, with a View to Estimate and Improve the Moral Condition of our Inland Towns," was read by Mr. WILLIAM ACTON. He began by observing that it was at one of the early congresses of this Association that he first ventured to point out the necessity of considering the sanitary aspect of prostitution. With the purpose of studying the present aspect of the subject, he had visited Birmingham, determined, from personal observations, to inquire into the moral condition of our inland towns; in fact, pursuing the same course as he did when investigating the extent of syphilis previously to proposing sanitary reform. He selected Birmingham, not from any belief that it was more immoral than other towns, but because he had the opportunity of studying the question when attending the last meeting of the British Medical Association, with his distinguished master and friend, Dr. Ricord, of Paris. Mr. Acton, at some length, dwelt on the quiet, easy way in which prostitution was carried on by the better classes in our large midland towns, and showed that vice was increasing in equal strides with civilization. He alluded to the

large number of young females in the manufacturing centres, even those who gain by their industry ten shillings a week, who yet cease to live a virtuous life. It may be an innate love of dress, it may be that a scolding mother-in-law, in other instances an absence of self-control, or the pleasure of constantly attending places of public amusement, or the promise of marriage, may lead young females from the paths of virtue; but of the fact there is no doubt that a considerable number of young women depend upon receiving pecuniary assistance from a man they are not married to, as a means of augmenting their income; and as long as they succeed in avoiding having a child, and escape the chance of contracting disease, the mode by which they attain their desires is not objected to by their companions or families, who, however, are often in ignorance of what is occurring, so secretly and quietly is the plan followed. The success attending this means of gaining or largely contributing to keep up an appearance not compatible with the station of the woman is a great inducement to attract other young girls to follow in the same steps. This is the form of immorality the extension of which is most to be dreaded in our large inland and manufacturing centres. He contrasted this state of immorality with the present condition of female morality in the royal borough of Windsor, where formerly the seduction of maid-servants and shop-girls was one of the main sources from which prostitutes were recruited. The medical officer lately informed him that out of thirty-two women there is only one Windsor girl on his list, and he was told by tradesmen that since the introduction of the Acts they can keep their servants virtuous, as the girls have a wholesome dread of misconducting themselves. The inhabitants are fully impressed with the conviction that to revert to the previous state of affairs would prove a fatal blow to the progress of morality, and the consequent reduction of professed and amateur prostitution. He further believed that morality would receive additional security from an Act passed during the last session, by which those who seduce women shall support to a certain extent both mother and child, as the father can now be called on to contribute five shillings a week instead of the paltry sum of one and and sixpence formerly exacted; and, at present, if the seducer is unable to pay he is liable to be sent to prison, and obliged to contribute a similar amount till the child is sixteen years old. This will, it is hoped, have a deterrent influence in checking prostitution, which, in the words of the late Royal Commission, is a great fact; and although the author of the paper could offer no prospect of its eradication, still he thinks its evil consequences may be ameliorated.

ECONOMY AND TRADE.

DIRECT OR INDIRECT TAXATION.*

How far Ought Taxation to be Direct or Indirect?

THE first paper read on this question was by Mr. E. C. MACQUEEN of Liverpool. The writer commenced by stating that taxation in some form is an absolute necessity, though by no means necessarily an evil, as many persons were wont flippantly to call it. It is the price we have to pay for the benefits of civil government and natural defence, for just and equal laws, for the protection of our persons, liberty, and property in peace and safety. It is a debt due from every subject to the State, which ought to be levied as nearly as can be contrived in proportion to the advantages he derives from State protection. It ought, as Adam Smith says, to take as little as possible beyond what the State receives out of the pockets of the people, to which condition the writer added that it ought also to interfere as little as possible with the honest ways by which money may get into their pockets. Direct taxation is the honest and specified rent or insurance for the protection of our persons and property, and it ought to be levied on persons or property, or upon both. Indirect taxation levies this rent on insurance with very heavy additional charges upon it, by means of imports on articles of general consumption, such as duties of customs and excise, taxes for leave to earn a living by means of licenses for carrying on various trades, professions, and occupations, down even to the occasional employ of a male servant to black shoes, run errands, or clean a stable; taxes, in short, which, by restricting consumption, production, and employment, have most injurious effects on home trade and foreign commerce, and unquestionably tend to the impoverishment of the people. Every tax the writer maintained, which, however apparently direct in its first incidence, limits the consumption and interferes with the production, sale, or exchange of any article, is an indirect tax, since the one essential test of sound taxation is that it shall leave consumption, production, sale, and exchange, as free as the Creator intended them to be, when by the mouth of His prophet, He said that

* See *Transactions*, 1868, p. 613.

the province of commerce was to provide sufficient food and clothing for His people. But governments have put an interdict on such free intercourse; they have made unlicensed industry an offence, free buying and selling a crime, to be put down by fines and imprisonment, and if there be any tyranny more odious, improvident, and indefensible than this he had yet to learn. Proportionately to means and advantages, taxation ought to be as nearly equal as possible with due consideration of the fact that in addition to personal freedom and security as to which all classes are, or are supposed to be, on an equal footing, some classes have much more that stands in need of protection, and is protected at the expense of all of them, and should therefore pay more proportionately for it. Even inequality of taxation, though it is more odious and more obvious, is actually a much smaller evil than the limitation of markets and the prevention of trade; for it is clearly less injurious to take from a man more than a strictly fair proportion of his income, be that for rent, interest, wages, or profits, after he has received or earned it, than it is either to stop his trade altogether or to diminish it, and thus either prevent his making any income at all or reduce it far below what it would otherwise be. All experience showed that the prevention or reduction of income or earnings is the uniform and inevitable effect of indirect taxation. Whenever the duty on any commodity has been largely reduced, the consumption has increased in much greater proportion; whenever such duty has been repealed, the increase has been multiplied manifold, as is evidenced by the enormously increased production and consumption or glass, soap, paper, bricks, newspapers, and other articles, since they have been relieved from taxes, stamps, and excise supervision; and also by the much larger proportionate consumption of tea, sugar, coffee, &c., in Australia, where they are either taxed lightly or not all, than in the United Kingdom, where they are heavily burdened. To tax commodities is to tax a man according to his wants and necessities, not according to either his means or advantages. It is to tax him according to the number of mouths he has to feed, so that the labourer, with wife and family, on such articles as tea, sugar, coffee, &c., is made to pay very much more in taxes than his unmarried fellow-labourers earning the same wages—and a childless and miserly millionaire may pay next to absolutely nothing in the shape of indirect taxation, whilst the poor curate, clerk, or tradesman, with five or perhaps ten or a dozen children, must either contribute largely to the revenue in this way, or, what is worse, pay in privation of the common necessaries or comforts of life. It is alleged that under a purely direct system of taxation the working classes, many of whom are earning wages that ought to bring them within the operation of the income-tax, would escape scot free, and that they can only be reached through taxes on articles of general consumption, including especially beer, spirits, and tobacco. But this is an entirely erroneous assumption, for if the old land and property-tax of four shillings in the pound were revived according to its original intent and meaning, or if a tax of two

shillings in the pound were imposed on the ownership, and a similar tax on the occupation of property by tenancy—in lieu of all other imposts whatsoever, excepting postage, does any one suppose that the working classes could escape paying their share of such taxes, even if they were neither owners of such property, nor occupiers of it, excepting as lodgers. The wastefulness of indirect taxation is generally pushed out of sight by its defenders, although this alone is its sufficient condemnation. On the other hand, the cost of collecting direct taxation need not exceed 1½ per cent., and the plea that this, the richest country in the world, and that most interested in the widest possible intercourse with every part of it, cannot raise whatever is necessary for State purposes without pillaging the people, and imposing restrictions on trade and commerce, as a sheer absurdity, heightened by the fact that whilst raising the bulk of our revenue at such extra cost for the elements of trade and commerce, we nevertheless fancy ourselves free traders, and are ever and anon lecturing foreign countries on their blindness and folly in not imitating our example, by adopting the free trade policy in its entirety. To ask how far taxation ought to be direct or indirect is but to ask how far taxation ought to be honest and just, how far it ought to be an incentive to economy in the public expenditure—how far it should allow free development of the national resources, permit to every man the enjoyment of the primeval blessing—that of earning a living by his own labour—and promote friendly relations between all the nations of the world by making trade and commerce really free, or how far it ought to obstruct and prevent the enjoyment of all these benefits and blessings.

Mr. John Noble, of Westminster, read a paper on the same subject. The writer commenced by referring to the controversy raised as to the correctness of the definition of taxation, as direct and indirect, and described the former as a tax which is seen, the latter as one which is not seen. The amount of the former is known, while concealment is the very essence of indirect taxation. The apparent ease with which the Government collect 40,000,000*l.* by means of customs and excise may not be equally profitable and advantageous for the public. If taxation is not levied in proportion to the ability of the taxpayer, if the amount is not certain but arbitrary, if the time, manner, and amount of payments are not clear and plain, if it takes out and keeps out of the pockets of the people more than it brings into the public treasury, it cannot be said to be levied at the time, and in the manner most convenient to the taxpayer. The necessity of repeating again and again these canons of taxation, and the arguments against indirect taxation, is exemplified in the actions of Chambers of Commerce, whose main efforts are directed against the Income Tax, the heavier and more pressing burden upon commerce, the Custom House being ignored, as if it had no existence. The history of commerce since the peace of 1815, amply demonstrates the short-sightedness of the policy which re-

pealed the Income Tax, and left heavier burdens upon trade untouched. The series of years from 1815 to 1840 form a long period of stagnation and distress, slightly relieved at intervals through reductions of indirect taxation. The returns of our exports show a considerable decline during the earlier portion of the term, and an increase during the last ten years in consequence of Lord Sydenham's reforms, which, however, did not bring the value to a higher amount than in 1815. At length the income-tax was again resorted to, in order to relieve trade and industry from heavier burdens. The result is that our exports of British produce and manufacture, which were 1*l.* 14*s.* 7*d.* per head of the population in 1821, and in 1840 were only 1*l.* 18*s.* 9*d.*, have risen in 1870 to 6*l.* 9*s.* 6*d.*, our tonnage, previously stationary, having been as follows: 2,447,831 tons in 1815; 2,768,262 tons in 1840; and 5,690,789 tons in 1870. These facts should make the country pause before adopting a similar policy at the present time. The great objections against the customs and excise are, that real freedom of trade, as distinguished from the conventional free-trade, which merely implies the absence of protective duties, is impossible so long as they exist. An examination of the conditions under which trade is carried on under customs' regulations proves this statement. The number of ports is limited by the Commissioners, and it is at a very limited number of those that wine and tobacco can be imported, and only at eleven that wine can be tested for duty. Every article of import, whether dutyable or duty free, must be landed under customs' supervision. A town like Worcester, with direct access to the sea, and which has expended a vast sum in improving its navigation, cannot be allowed to import and export its own commodities. In the home trade, manufacturers of taxed articles must carry on their business under inspection, and adhere to processes sanctioned by the authorities. Improvement is rendered difficult, and in many cases impossible. An Englishman's home is not his castle. He can neither make malt nor distil spirits for his own use. The farmer can neither grow tobacco, nor malt his barley for the purpose of feeding cattle or supplying his family with home-brewed beer. Import duties, by limiting importation, restrict the demand for our own productions. All these conditions are inconsistent with freedom of exchange. Indirect taxation is very costly. According to Mr. Dudley Baxter's calculations, the profits of traders upon the 36,000,000*l.* of taxation collected by the duties on tea, coffee, intoxicating drinks, and tobacco, amount to 9,000,000*l.*, or 25 per cent. Mr. Baxter considers no profit is paid upon the sugar duty, as it is usually sold by the grocer without profit, overlooking the fact that the bulk of the sugar passes through the hands of the refiner, who has no other article to charge his profit upon, and, therefore, must obtain a profit upon the capital he advances for the tax through an increase in the price of the sugar. According to the calculations based upon estimates of the late Mr. G. R. Porter, the spirit and tobacco duties alone impose a burden of 44,000,000*l.* on

the taxpayers, of which the Treasury receives only 21,000,000*l.* Upon the most moderate computation, therefore, the 40,000,000*l.* of customs and excise involve an extra cost, in addition to the amount paid by the Government for collecting and protecting the revenue, of at least 10,000,000*l.* The Custom House is a practical blockade of our own ports, and the excise an interference with the freedom of domestic manufacture. Both favour monopoly by increasing the amount of capital required to conduct a taxed business. They make commodities artificially dear and scarce, and prevent the growth of an export trade in such articles as sugar and manufactured tobacco. Taxes upon tea, coffee, and sugar, are taxes upon necessaries of life, and are indefensible upon the principle of taxation now recognised, and whenever a tax is levied upon a commodity there is a point at which it becomes prohibitory, and this prohibition affects the very poorest of the community. Every such tax is also protective in its operation, as it tends to favour the production and consumption of the lowest qualities of the taxed article. It is commonly alleged that opponents of indirect taxation wish to relieve other taxpayers at the expense of holders of property. Nothing can be further from the truth. The greater the activity of trade and industry the greater is the growth of rent, and the consequent prosperity of the "landed interest." It is clearly shown in "Carey's Political Economy" that the taxes on consumption levied during the French War upon the labouring classes deprived them of the means of subsistence, caused a vast increase in the poor rates, and thus imposed upon the owners of property a tax indirectly, which they had refused to pay directly. It is also said that indirect taxation is necessary to secure equality—a proceeding resembling that of the dog in the fable. In the delusive search for the shadow of equality the substance of profit, which would result for unfettered industry, has been lost. The equality which taxes a man in proportion to his necessities, according to the number of mouths in his family, and which Sir Robert Peel was compelled to admit pressed unduly upon the class with incomes under 30*s.* a week, is also questionable. Every argument employed against the income-tax applies with equal force to the customs and excise. The great difference is that under the former the taxpayer knows the amount he pays, and that every penny exacted from him is received by the State, while under the latter he is kept in ignorance as to the amount of his payments, and his contributions are largely in excess of the sums received by the Treasury. The main objection urged against the repeal of indirect taxation is that it is the only possible way of taxing the working classes, an assumption which a very little inquiry will dispel. In America there has always been a poll-tax. These classes might be reached by a tax on wages, collected by the employer, or by an extension of the house tax. Looking at the question, with a view to early legislation in the direction of perfect freedom of trade, the writer proposes the repeal of the malt tax, the duties on tea, coffee, sugar, and dried fruits, and the income-tax, imposing, in their place

a tax of 10 per cent. upon rent, one-half paid by the owner, and one-half by the occupier of property assessed under Schedule A, and upon such portions of the assessment of railways, canals, &c., under Schedule E, as are fairly to be designated rent. This would, it is estimated, yield 14,000,000*l.*, and the remaining 7,000,000*l.* required to carry out the proposal might be obtained by the extension of the probate duty to real property, the assessment of the succession duty at the same rate as the legacy duty, the imposition of an equivalent for the probate and succession duties upon properties held by corporations, the transfer of fire insurance from public companies to the State, and an extension of the facilities now offered by the Post Office for life assurance. The adoption of such a scheme of taxation would meet one of the most pressing questions of the day—the crude theories propounded by the working classes respecting property, capital, labour—by widely extending trades, manufactures, and employment. It would also enable our manufacturers, in the face of the growing competition of their continental rivals, to open fresh markets for the export of their productions. It would vastly benefit every section of the community, and not least those who might in appearance have to assume an increased proportion of the public burdens.

Mr. Thomas Briggs also read a paper on this question. He said that in order to obtain a net revenue of sixty-seven millions in 1870 the Chancellor of the Exchequer had to raise the sum of 244,880,000*l.* by taxation; this is an inevitable consequence of taxing commodities. The malt duty alone is responsible for 47 millions of the 244 millions of waste and loss above alluded to. The malt duty is responsible for the present famine prices of butcher's meat, and in like manner all the other duties rob the working classes of one-third of their wages; or, what is the same thing, enhance the price of their comforts and necessaries to that extent. It having been demonstrated that the present system of indirect or mixed taxation causes a loss and cost to the people of 177,630,970*l.* in order to secure a net revenue of 67,249,229*l.* per annum; it having also been demonstrated that direct taxation will only entail a cost of about one million in their collection, or $1\frac{1}{4}$ per cent.; and, moreover, as we have the best of authority (which has never yet been refuted) for the fact that, in whatever way taxes be levied (direct or indirect), the owner of the soil eventually pays all, is it not wonderful that the owners of the soil should be so infatuated as to endure such a burden for one moment, when it is clearly shown that, relieving trade from all taxes, or other impediments, no injury can thereby be inflicted on the land? A flourishing state of trade and a depressed state of agriculture, he said, were things never yet known and which never can occur. The interests of trade and land are identical and inseparable. Having shown how taxes ought to be levied in order to be a blessing to all classes, or, if not a blessing, at least a considerable amelioration of the condition of the mass of the people

without injury to any class, he appealed to a sense of justice to have this matter sifted to the bottom in Parliament.

DISCUSSION.

The PRESIDENT (Sir John Bowring, LL.D.) observed that the question at issue was one of the greatest gravity, and that it affected every man and woman in the kingdom. The solitary fact that, since the beginning of the present century, the people had paid 270,000,000*l.* in indirect taxation, and that the larger proportion of this enormous sum had fallen mainly upon the working classes, was enough to induce everybody who took any interest in the matter to put his shoulder to the wheel, and endeavour to influence public opinion, also to influence the press, as well as the representatives of the people, in order that Parliament might legislate on true and sound principles, and that the prosperity of the country, which, under the development of trade and the removal of restrictions, had hitherto made great progress, might soon advance with still greater strides.

Mr. MORRISON, M.P., said, it seemed to him that, in considering how the taxation required for local and imperial expenditure was to be raised, we must always bear in mind what was practical and possible; and he did not think that, for a long time to come, we were likely to have a Chancellor of the Exchequer bold enough to go in for the abolition of indirect taxation. He admitted that the collection of indirect taxation was more costly than that of direct taxation, but it was of the utmost importance that a larger number of persons should be made distinctly interested in keeping down the expenditure of the State. Most members of Parliament would bear him out when he said that the pressure of constituencies was invariably conducive to increased taxation, and that an economical government invariably became unpopular in consequence of its economies. During the time he had represented Plymouth he had only received one letter in favour of keeping down the State expenditure, whilst, on the other hand, he had received many letters in which the writers impressed upon him the importance of the central government expending more money on some particular object. In fact, the saying applied, "What is everybody's business is nobody's business." It was upon the central government that the duty of keeping down expenditure devolved. As far as his own observation went, the opinion of Parliament was more and more disposed towards increased expenditure, and he saw no symptom of the tendency diminishing. If all the taxation of the country were put upon realised property, he believed the effect would be that the central government would have simply the power of a small minority at its back, and be forced to drive imperial taxation up to an enormous height. It was true that the community generally were interested in keeping down taxation; but that was an abstract proposition, and it was undeniable that, unless persons could be made to see that the increase of taxation directly affected their pockets, waste could not be traced to its remote source. Before direct taxation could be substituted for indirect, it was necessary to mature some scheme by which the working classes could be taxed equitably. That was done in other countries, though the social condition of one nation was different from that of another. In many respects we were different from others. The working classes, for instance, had not got any large amount of realized property; but happily the tendency in that direction appeared to be rather hopeful, as was shown by the rapid extension of co-operative and building societies all over the country, and especially in the North. In Oldham alone, the working men had an invested capital of not less than half a million. He differed from the reader of the last paper as to doing away with the duty on drink and tobacco. It might press upon individuals, but he would not like to see it done away with. On the contrary, he would rather see it increased. It seemed to him that we could not do better than keep the taxes as fair and as economical as we could until we saw a way of taxing the working classes according to their earnings. He should certainly advocate the mixture of direct and indirect taxation. Wages for labour were rising in the market, and it was unfair that the workmen should get off easily, while the small tradesman and clerk were heavily taxed.

Sir ROBERT TORRENS, M.P., entirely dissented from the conclusion that henceforth the burden of taxation should be laid exclusively on realised property. In the progress the country was making, political power was rapidly getting into the hands of the working classes to a great extent, and that, too, prior to their education. What was likely to be the effect of imposing the whole burden of taxation on realised property, and of placing political power in the hands of the working classes? His own experience supplied the answer that, if the working classes had the power of compelling their representatives to go in for a large expenditure on public works and other matters conducive to their benefit, and that large expenditure were not to come out of their own pockets, but from the proceeds of realised property, then the result would be extreme extravagance and wastefulness with the public money. Another argument against the proposition advanced—and he considered it a forcible argument—was that the drunkard, the spendthrift, the reckless, and the idle, who accumulated and realised nothing, would be exempted from taxation at the expense of the frugal, abstemious and industrious, who had realized and accumulated property by their own endeavours. That argument was greatly in favour of exempting the mass of the population from taxation. With regard to the cost of collecting indirect taxation, many people fell into error, for he believed the amount it cost in this way was very small indeed, and did not, in reality, cost above one per cent. He did not think it would be possible to create a poll tax, as the same results which followed the laying of a poll tax centuries ago would follow now.

Mr. W. BOTLEY (London) said that as drunkenness was likely to increase by the repeal of the duties on liquors, we ought to take a stand against it.

Mr. HURST (Bedford) observed that a great deal of realized property was not taxed at all, as in the case of charity property. He maintained that taxation should be paid by all. The poor reaped the benefit of Government the same as the rich, and ought to pay in proportion to their means. Many of what might be termed the poorer classes were better able to pay than those in an apparently better position. The small tradesmen and persons with 200*l.* or 300*l.* a year often had calls made upon them, and thus had to struggle against difficulties which did not occur to men in receipt of weekly wages.

Mr. J. H. RAPER (Manchester) demurred to the assertion that malt liquors and tobacco were necessaries, inasmuch as he knew of thousands of men and women who had never tasted those articles, and therefore the tax was voluntary. He did not entirely concur in the notion that all indirect taxation should be removed; he stopped at the free breakfast table. If we increased consumption, either by lessening the price or reducing taxation, of articles which were injurious as food, the police and poor-rates were proportionably augmented; therefore, if we went in for the abolition of indirect taxation, we must be prepared to face these evils. He would like to see established a system of taxation which dispensed with the necessity of a washerwoman in Drury Lane drinking gin in order to keep the revenue going.

Mr. J. A. JONES (Liverpool) believed that the most effective means of reducing the consumption of intoxicating liquors would be to cheapen the articles that competed with them, instead of shutting the door in the face of the drinkers as proposed by the preceding speaker, since it was well understood that a reduction of duty on a commodity was followed by a large increase in its consumption. Nor could he agree with Mr. Morrison that the scheme propounded in the paper read was an impracticable one. At any rate the principle remained unassailed. It was on that principle of direct taxation that local rates had been collected in this country ever since he could remember; and if it worked so well in towns, what objection could there be to its application to the whole country? We might safely follow the example of Belgium which had successfully broken down the *octroi* barriers of towns. On a comparison of the direct system with the indirect system of taxation, he was fully persuaded that the latter was infinitely more difficult to carry out than the former. The Financial Reform Association proposed first a tax on rental, and secondly a tax for occupation. It had been said that rental was clearly the best measure of a man's ability to pay taxes, the best measure of his income. In the case of a working man, you knew what rent he paid for his house, and you taxed him accordingly; while, in the case of the man

of property, you had the means of ascertaining not only the rental, but the income he received from the investment of his capital, and you could tax him by that standard. Levying a tax on the house was of the most searching character, since it fell not alone on the person who rented the house, but, in proportion, on a lodger as well, to whom it would be charged by the person responsible to the landlord for the whole rent, and to the Government for the tax. With regard to State expenditure, to which Mr. Morrison had especially referred, he believed the prosperity of Plymouth was due, not to a particular industry, as in Lancashire or in Yorkshire, but to the amount of money spent in it by the Government.

Mr. THORNE (Bristol) believed that direct taxation, like republicanism, was very good in theory, but would not prevail until the millennium. He was in favour of a judicious mixture of direct and indirect taxation. As to alcoholic liquor not being a necessary of life because thousands of people abstained from its use, he knew of communities in which shirts were not worn, but that was no reason why he should go without one. Again, some people knew nothing of soap; but surely that was no reason why he should abstain from using soap. In discussions of this kind, there was much ingenious theorizing, that would not, however, stand the test of practice. Mr. Raper's argument that, by taking the tax off tea and sugar, and keeping it on intoxicating liquors, you would increase the drinking of the former and decrease the use of the latter, was a fallacious one. For many years he had himself witnessed a contradiction of the argument. He had lived where tea was drunk at the rate of three gallons a head per day, while the stronger drinks were used in a like proportion. In Caradoc, there was a system of taxation in force, which blended the direct with indirect, and it was found to work very well. He thought the nearer we adhered to the ancient Conservative usage of Old England, the better would be our legislation on this question. There were working men who earned from 200*l.* to 400*l.* a year, and it was as much their duty to pay their share of the cost of protection under a civilized Government, as that of any man who possessed property of a different nature.

Mr. WILLIAM SAUNDERS (Plymouth) had more belief in direct taxation doing something to bring about the millennium than in the millennium bringing about direct taxation. Were it not for remarks which had fallen from some of the speakers, he would have thought it unnecessary to urge that taxation should bear equally upon all classes. He had heard with surprise that the taxation of the country might fairly be put upon property alone, but that would be obviously unjust and even dangerous. Such a system would induce the working classes to clamour for a large expenditure; and, moreover, the sense of justice of the community would be offended if anything of the kind were attempted. A house tax had been advocated, but as we hear on every hand a demand for the better housing of the people, he conceived that to impose a tax upon houses would be most injurious. He could easily imagine that in a country where soap and shirts were not at a premium, it would not do to rely upon a tax on those articles; but he could not quite see the relevancy of the argument of the last speaker on that point to the taxation derived from alcoholic liquors. He thought that, if an article was good, the consumption of it should be as free as possible, but that if it were bad and injurious to the community, then, as a matter of common sense, its use should be prohibited. He was in favour of a poll tax, and expressed the belief that the time would come when the country would see it was our interest to adopt a system of direct taxation.

Mr. W. D. HENDERSON (Belfast) questioned the reliableness of Mr. Briggs's statistics on this subject, and dissented from the proposition to tax houses. It would not be a wise thing to disturb the present system of taxation except for a very good reason, and that reason had not been given as yet. The payment of house tax in order to free beer and tea from duty would involve a considerable change in the habits of society. The question was a very wide one, and so far as Ireland was concerned, he believed that the existing system of taxation suited the country better than any other method.

Mr. EDWARD WILSON (London) desiderated the fair adjustment of representation and taxation; for while he sympathised with the masses of the people, he did not believe in putting the voting power in the hands of one class, and placing the burden of taxation on another class. Great concessions had of late been made to

the working class, and the effect of these we had yet to learn. The Ballot Act would probably tell a tale that would startle the promoters of the measure. With regard to the feeling of Parliament on the subject of increased expenditure, he thought individual members generally inclined towards economy, except at some critical times. With an increased representation of the working class in Parliament, that class might some day raise a great outcry for war, at all hazards, well knowing that they would not have to pay for it; and greater would be the burden thrown on the shoulders of the other classes who had to pay the taxes so imposed.

The Rev. R. Hobhouse (Liskeard) held that duty on drinks, instead of increasing and fostering the traffic, tended to limit and reduce consumption.

Lady Bowring called attention to the fact that women, being unrepresented, had no voice as to the form in which taxation should be imposed.

The President (Sir J. Bowring) agreed that a new power had been conferred upon the working classes, and that a leap in the dark had been taken, the consequences of which it would be difficult to foresee. He objected to precipitancy in legislation. We must instruct the people, giving them sounder views, not with regard to morals alone, but on the question of political economy. We must apply those great principles which were absolutely at the foundation of society, which would root themselves deeply despite all our resistance. As to tea, he believed that beverage was one of the greatest blessings conferred on mankind. In 1861 the consumption of tea in this country was above 77,000,000lb., and last year it amounted to 123,000,000lb., showing a great increase in the consumption during the past few years, and a consequent improvement of the public taste. With reference to the Chinese, who ate freely of rice and drank tea five times a day, he had never seen a more robust race anywhere; so that tea-drinking did not appear to affect human strength very much. Tea was cheap enough in China, where you could have a cup for the fifth of a farthing; or you could buy the article itself at prices ranging from threepence to three guineas a pound. Lastly, the Chinese were the most temperate of nations; for drunkenness was but rarely seen amongst them. Indeed, it was an opprobium attached to Christian countries that they were great consumers of strong drink, and that drunkenness prevailed to an extent that could not be traced by statistics; whereas it was almost unknown among Mohammedans, Buddhists, and Brahmins, who therefore presented, in that respect, a worthy example to Great Britain, as a people.

Mr. S. Fox (Falmouth) said, the question simply divided itself into two parts: the one political, and the other moral. As to the political aspect, he contended that taxation should be borne by all classes of the community, excepting none, for, since all were more or less law makers, it was important that law-makers should also be taxpayers. On the moral view of the question, he considered that the incidence of taxation should so fall as to discourage the use of those articles which were dangerous to morals as well as to health. Such was undoubtedly the case with regard to all intoxicating liquors. Therefore, he concluded, the existing system of laying a heavy tax on all drinks of that kind was based on a very sound and just principle.

Colonel Oldfield (Ticehurst, Sussex) said, it would be well to bear in mind, when they recommended a working man to live in a better house than he generally did, that a heavy tax on the enjoyment of all decent houses amounted to a heavy tax on house building; for he regarded a house as a commodity just as much as a piece of furniture was a commodity; and if houses were unduly taxed, a builder would not go on erecting them, except in localities where he could ensure a certain per centage of profit.

AGRICULTURAL LABOUR.*

How may the Condition of the Agricultural Labourer be Improved?

By Sir BALDWYN LEIGHTON, Bart.

THE way in which it is herein proposed to discuss this subject is by stating, first, some of the causes and conditions of the question; then pointing out the natural remedies, and illustrating these by practical examples.

Leaving to others such generic facts, if they may be so called, as revival of trade, influx of gold, rise in prices, education, and the demand for colonial labour, it will be of more practical use to call attention to two specific causes; one of which, however, may appear to some paradoxical, and the other remote: for one is the progress of improved farming, and the other is poor law administration. Results of these two causes respectively: a tendency to nomadism, where there should be permanency, and a tendency to stagnation where there should be locomotion. Further consequences: want of permanent relations between employer and employed, and want of prospect and outlet for the employed.

Now it would be wrong to suppose that improved farming or development of agriculture in any direction can be anything but beneficial to the labourer and all connected with the land in the main; but during the process from the old to the new system, that is, from the comparatively small farmer without capital, machinery, or science, to the manufacturer of beef and corn who makes the land produce double, in the march of improvement the human part of the system, the labourer, requires a little reconsideration and readjustment in regard to his land and his home.

(1.) His land. Improved farming has merged many of the small holdings of twenty or thirty acres, which although not always maintainable economically, were still of great value to the thrifty, rising agricultural labourer, and created a grade in the social ladder which had its use. (One word here to improving landlords and agents. Do not be too hasty in improving away all these small places, especially on indifferent soil. Be careful whom you put into them; let the tenant be a rising, energetic man, and always have some other mode of living than starving on the place; such for instance as keeping a machine, hauling, contracting for road making or draining, or some trade.) But a more serious oversight in agricultural improvement was the doing away with those two or three acres of meadow land or common attached to cottages, and devouring "the poor man's bit" in our green lanes, which gave the labourer the opportunity of keeping a cow. One reason for merging these was that the tenants were so ill-selected that they were constantly getting ruined; but these places should be held out as prizes to the thrifty and hard-working labourers, and such people never get ruined.

* See *Transactions*, 1869, p. 550; 1871, p. 572.

(2.) Then as to his home: and altogether apart from improved cottages, the necessity for which need hardly be dwelt on here. It was formerly the custom, as it still is in many parts, for the labourers to live mostly in the farm-houses, boarding with the farmers; and this has the advantage of providing them with better food, without their feeling the cost of increased prices; it also makes the service more permanent, generally for a year at least. But the want of a separate home has its disadvantages, and probably a well-regulated cottage with a longer engagement, and a fair notice to quit, is on the whole the best, except for the boys and young unmarried labourers; but the system of the capitalist farmer with all his men living in cottages has caused some special difficulties. It has sometimes produced overcrowding and early improvident marriages, with a state of general nomadism; and the boys now getting no proper apprenticeship or discipline, the young generation have not the skill of the older men; they cannot thatch or even lay a hedge, much less sheer a sheep, in many parts, for their youth was one of roving and change, and no employer found it worth his while to teach them. Then we have the difficulty lately discussed in the *Spectator* (and also in Oxfordshire rather practically) of how far the tenancy of the cottage should be dependent on the employment. Now it is very desirable in every point of view, economic as well as humane, that the agricultural labourer should be attached to his cottage. The spirit of permanency and attachment will be found a most valuable one to preserve. On large farms, therefore, the better way to meet the tenancy and employment difficulty, to combine permanency and freedom, may be this. To allot some two or three cottages, or more in some cases, to go with every large farm for waggoners and stockmen, with a fair notice to quit, the labourer paying rent to the landlord who accepts the farmer's nomination on a change of tenancy; and if these cottagers were well selected and had the run of a cow on the farm, there would not be much change of tenancy. To let the rest of the cottages on the understanding that the labourers worked on the estate: this is frequently done, and combines the freedom of the market as it were with the necessary supply of labour. Where boys or single men do not board in a farm-house, there may be attached to the cottage of some permanent or trustworthy workman on the farm, a boarding-house or second cottage for boys or unmarried men, who might be changing every year, without affecting the permanent cottagers. It must be borne in mind that the progress of farming has made the relative difference between classes greater than before; the better way to meet this difference is by some system of co-operation or industrial partnerships referred to later, giving all the labourers some sort of interest in the farm.

Then as to poor law administration, too large a subject to go into here. For years past the system adopted in some unions, of employers administering the rates directly or indirectly as a supplement for low wages has been regarded by far-seeing men with the gravest concern. Degr. dation, physical to the labourers, and moral to the

farmers, has been the result, and it is probable that the only real difficulty in meeting and arranging this labour question will be where such a fatuous system has left its permanent traces. Now on most boards the chairman and officials are well able to administer the funds on a sound principle; but they are overruled by the other guardians, who would substitute for broad economic views such suicidal motives as supplementation of wages, private interest, pennywise policy, or misdirected charity. The difficulty of the remedy is that even when right principles of discrimination are adopted, the change must be exceedingly gradual: you cannot unteach dependence in a day; self-reliance and thrift require more than a single winter to learn. Let guardians give their confidence more freely to able and competent chairmen, and let the central board help instead of hindering. The present system as administered in some unions has almost destroyed self-reliance in the poor, and farmers, labourers, and landlords in those parts have become the victims of a vicious circle, that will need a very careful correction.

It has been said, and with individual exceptions it may in some parts be true, that the farmers are rather hard on the men. Having lived among farmers and labourers most of my life, I wish to take this opportunity of saying that such is not at all my experience. The kindly relation between master and man, the care and sympathy shown for old workmen or their widows for instance, to which I can personally testify, entirely belie that accusation as one of general fact. It may be that in our part of England we are a little old-fashioned, and still believe with Carlyle that "Cash-nexus" is not the sole relation between man and man. I confess that I, for one, have yet to learn that the present teachings of political economy, competition, and cash payment, have improved the honesty of work; or that the dismal science, as it has been called, fulfils entirely the highest aspirations and purposes of humanity. Future relations should be less feudal and more federal, but not less human.

Now for the practical remedies of this question. In every case they will be best applied by individual farmers and landlords on their several farms and estates; and it will be for the distinct interest of both to improve the status and quality of their workmen. Permanent improvement must be gradual, there is room for a little in most cases, and that apart from the question of direct wages, which is by no means the most essential element in this matter, as S. G. O. says in the *Times* of the 4th September. And the best of the men acknowledge this: "I would sooner have ten shillings a week, with the chance to keep a cow, than fifteen shillings a week without it," said the spokesman and leader of some labourers at a meeting in North Herefordshire the other day, and he was applauded by his fellows to the echo. This man was considered the best workman for many miles round, and had saved over fifty pounds: his opinion is worth having.

The means of practical improvement then, are chiefly these:

1. *Classification*, such as is in use with contractors, creating as it were two or three grades of workmen, according to their efficiency, and paying them accordingly.

2. *Piece-work.*—More of this can be done on a farm than is generally supposed, if a little management is used; for instance, turning and carting manure by the yard.

3. *Industrial profits, or payments by results.*—In a pamphlet entitled the "Farm Labourer in 1872," published by Messrs. Bentley, I have endeavoured to set this out in detail; and latterly many practical men, including the present Speaker of the House of Commons, have turned their attention to this point.

4. *Good cottages and large gardens with fruit trees, or allotment*, which will go far to pay the rent for the cottage, and improve the quality of the workman by teaching him to work on his own account. "Good homes are more than high wages," says Lord Sydney Godolphin Osborne, in the *Times*, and practical experience entirely bears him out.

5. *Land to keep a cow*, say two or three acres attached to some of the cottages as a prize for thrifty workmen who have saved money; or the run of a cow on a farm, as in Northumberland and other parts, will be found equally advantageous, and more practicable for the farmers in some cases. But this cannot so well be done where grass land is scarce.

6. *A co-operative farm for the labourers.*—This would be a great advantage for the farmers as well as the men, if only to regulate wages, and to retain the best labourers. It would require a little care in starting it, and the men should be selected for having saved a few pounds. At Assington, in Suffolk, the amount of three pounds, without interest, was successfully worked, but great personal care was exercised. The two farms there have entirely succeeded; and it is proposed to start one or two in Herefordshire and elsewhere next year.

7. *Migration and emigration.*—This is greatly required in some of the southern counties, but farmers and landlords should be careful to retain the best men by attaching them in some of the above ways to the district, and letting only the inferior ones go. This will of itself legitimately raise wages.

8. *An improved administration of poor law.*—One aspect of this whole movement is a protest against the present degrading administration; and one distinct object of the West of England Labourers' Association is to gradually exterminate rural pauperism, as it has been shown to be exterminable (see their programme).

Then here is a short description of the way in which this movement has been practically met in three places in West England, distinguished as Districts X, Y, Z. Although one only of those districts was in connection with the West of England Association, yet the same moderate far-sighted principles which have guided those western pioneers, exercised a wholesome influence in the two other neighbourhoods, as no doubt has been the case in many other counties where

intelligent men have come forward and set an example. And note here the great value of the presence of one or two intelligent employers, who understand some of the conditions of labour apart from actual farm operations, and know the relative value of a good and an indifferent workman. In one instance, the man who took the lead was a farmer who dealt in timber, and employed occasionally thirty or forty men; he introduced a system of classification for his labourers just as he had worked his timber-men, which was adopted by others. In another case, a leading farmer of large intelligence and capital, who had come from a distant country as a stranger to the local residents, set about a system of piece-work in a low-wage district, and with the help of an active landlord induced the surrounding farmers to do the same. In another place a farmer set the example who had been the manager of some Scotch estates, and understood something of draining and road-making. What struck me about that man was his extreme intolerance for a bad or idle workman, and his great patience for a really good one. He would not have a bad workman at any price, because he cost so much in supervision.

District X.—An average low-wage agricultural district, with an absentee landlord, and great want of prospect and outlet for the labourers, as is not uncommon. But here was a parcel of first-rate workmen who had saved considerable sums of money, whose legitimate aspirations no mere rise of wages would have met, but who asked temperately and patiently for some means of improving their condition, some interest, direct or indirect, in the soil. At one time it seemed as if emigration was the only way open to them, but these are not the sort of men that England can afford to lose. Under the guidance of the West of England Association migration to the North was promoted, and sent up wages two or three shillings a week. Then landlords were appealed to in a quiet, friendly spirit to let allotments and cow land, and even under some favourable conditions a co-operative farm to the labourers. The consequence has been that gradually and without any serious ill feeling a comfortable and satisfactory relation between employers and employed has been established; the men have not taken advantage of the farmers at the harvest, and the wages have been satisfactorily settled without any pressure. Several landlords are considering how to give the labourers some more interest in the soil, by way of gardens and grass land, and some have already done so, besides expressing their willingness to help with a co-operative farm, and next year, one if not two such farms are about to be started. The labourers are content, and feel now that there is a chance of rising before them, and a very general or satisfactory change has come over the district without any loss or ill feeling.

District Y is an average agricultural county, distinguished, however, by two special conditions; pauperism had been virtually exterminated by a wise administration of poor law, and by setting a premium on thrift, and the interests of the labourers had been for forty years past intelligently cared for, more especially in select-

ing the most thrifty to hold small plots of land where they could keep a cow. There was little or no difficulty here in readjusting matters satisfactorily, the rise in wages being chiefly met by a system of classification, and the principles of industrial partnerships were to some extent adopted. It would be incredible to some of those who have never offered to the labourers a means of rising by holding land, to see the way in which men will slave and save to obtain these small prizes ; and the amount of self-respect, education, and comfort which their acquisition wisely conceded will produce.

District Z.—In a low-waged, pauperized, typical south-western county, a resident landlord pointed out last year to his tenants the desirability of raising the condition of the labourers, and thereby sowed the seeds of what he afterwards was enabled to accomplish. One of his most intelligent tenants set about a system of piece-work last winter, by which in a district where ten shillings a week was the normal standard of wages, his labourers earned about fourteen shillings, and he found the labour by no means expensive ; one consequence of that intelligent policy was to give him a great command of labourers in the last harvest, for the men hoping to be set on again at piece-work for the winter, naturally preferred to work for him in the summer. He also added considerably to their gardens by allotment ground, with the consent of his landlord, and now many of the neighbouring farmers are following his example. The landlord, too, is making arrangements for letting some of the best men keep a cow. But further than this, landlords and tenants have joined together to start a co-operative farm for the labourers, the farmers themselves offering to take up the shares to help the men to start it, allowing the labourers to buy them out by degrees as they acquired capital. This is rather a different story to what reaches us from Oxfordshire and Warwickshire.

Now as regards the concession of land for a cow to labourers (which many philanthropic men seem never to have heard of as yet), I have letters of evidence from correspondents in many counties of England showing the advantage of such an arrangement ; but it ought not generally to be more than an exceptional privilege, granted on the proof of money actually saved by the labourer. If one quarter or one-third of the cottages in a district were gradually allowed the privilege as a prize, practical experience, including the testimony of many farmers, shows it is advantageous ; but considerable care should be used in selection.

Instances will be found recorded in the report of the Agricultural Commission in Derbyshire, Cheshire, and Shropshire, in Lincolnshire, Northumberland, and Yorkshire, and elsewhere, of such a system, if it may be so called, for in many parts it appears to be entirely unknown. The advantage of it is that the wife attends to the cow, and does almost all the labour required, leaving the man to attend to his daily work. Out of six of my own farm labourers, four have a few acres of grass and keep a cow, and have done so for years ; there never has been the slightest difficulty in their wishing

to be at home when they were wanted by me, and their net profit from the cow will be equal to five shillings or six shillings a week at least. The same system obtains in these other places, and the results are thus recorded by eye-witnesses.

A.—On the Duke of Rutland's estate, in Nottinghamshire, a tenant farmer says: "It is quite remarkable what effect the possession of a cow-gate has upon a labourer; he seems quite a different person; he does his work much better, in an honest, cheerful way, as if conscious that he was not forgotten by those who employed him."

B.—On Lord Harrowby's property the same system obtains. It was the opinion of one well qualified to judge of the results of this when speaking of the present movement, that "the concession of cow land was the solution of the whole question of the agricultural labourer."

C.—In a certain district in an eastern county (as also in many parts of Yorkshire), most of the labourers keep a cow with the approval and to the advantage of the farmers. One eye-witness says of the men: "Although they get higher wages, they work far harder, and are cheaper workmen than those in the south, where I came from twenty years ago. We have no pauperism or 'poor people.' About two-thirds of the labourers keep cows. The cow club, of which I send you a copy of the rules, is managed by themselves, and prevents their being ruined by the occasional loss of a cow, which was of frequent occurrence during the time of the cattle plague. I wish I could see the same state of things in the south." Another eye-witness says: "The consequence (namely, of keeping a cow) is the splendid fellows, fine intelligent men there are about here, and the farmers consider them the cheapest sort."

D.—In Scotland, on the estate of Mr. Hope Johnson, in Dumfriesshire, the system of letting some of the most thrifty labourers have land to keep a cow is thus described in the report of the Highland and Agricultural Society:—

"What we value chiefly in the system is its marked effect in producing and perpetuating an orderly, respectable, and well-conditioned peasantry. The problem which is generally looked upon as difficult of solution, is here solved with eminent success. It has been shown to be quite practicable, to elevate the labouring man, not only without burdening the farmer and the landlord, but to the manifest benefit of both, to foster small holdings without depressing agriculture or retarding improvement, and to combine permanence with progress."

Mr. Charles Stewart, under whose management this state of things has been brought about, writes to me thus, speaking of the present movement: "Those having cows kept as part of their wages, rarely proposed any addition to their wages, so much is the appreciation of this increased."

But there are many districts where, owing to the absence of grass land or other causes, such an arrangement as letting the labourers keep cows is attended with difficulty. Here it is just as easy to give him an interest in the soil by allotments and co-operative farming. The pages of the Agricultural Commission report teem with instances of

garden allotments and their good results. But here are three instances where something more has been done.

E.—In a west-midland county a clergyman, a few years ago, found a certain undefined feeling of discontent among the labourers of his parish. After taking counsel, he set about a system of allotments of about one-third of an acre, which he is now extending in some cases of active thrifty men to as much as an acre—thus giving an encouragement and way of rising to the most capable—there was little or no difficulty in this district in meeting the rise of wages, and no ill feeling or trouble. The same might be done elsewhere at the cost of a little trouble, exterminating improvidence and pauperism.

F.—In a certain midland county, the clergyman of which was also a landlord and farmed as well, a most enviable state of things has been brought about, and is thus described by an eye-witness: "Most of the farmers pay by piece-work, and every man has land, varying from a rood to an acre; that is the limit. They always cultivate the land; cows are unknown; and Mr. T—— said he had known men get fifty bushels of wheat from their acre. I asked him if the farmers had objected as usual to the land being given, and he said they had, but that they had begun to discover that the men who worked best for themselves worked best for them, and that the feeling of wishing to do what was best for the labourer had strengthened very much lately. The T——'s (that is the landlord's family) are very splendid in every way, while living most simply themselves. I saw some magnificent farm-buildings, nothing cheap or contract-looking about them."

G.—At Assington, in Suffolk, forty and twenty years ago respectively, Mr. Gurdon, the landlord, let two farms to the labourers to be rented on the co-operative, or more strictly, the joint-stock system. The results have been very remarkable, and would require a separate paper to describe, but suffice it to say that 57 labourers, out of a parish of 600, or perhaps about two-thirds of the workmen are shareholders, and thus have an interest in the soil; the shares have increased in value between 1000 and 2000 per cent. A general spirit of content and comfort exists; pauperism is virtually extinguished, and the undertakings are succeeding admirably.

H.—Then there is the power of establishing a co-operative store, which might save a labourer's family one or two shillings a week, and encourage habits of thrift, subordination, and federation. A gentleman farming in Leicestershire writes to me that he has established a co-operative store, which began with 13*l.*, and turned over 2000*l.* last year; and they have lately taken seventeen acres of land, the rent of which is paid by the profits of the store, and let out in allotments by them. He is shortly going to publish his experience in the form of a pamphlet.

In all these instances there are two constantly recurring features: the presence at one time of some individual sympathy and intelligence; and as a result, the absence and virtual extinction of rural pauperism.

In conclusion and caution, it should be repeated that this question will everywhere be best settled by individual farmers and landlords in their respective farms and estates, according to the conditions of the locality. In most places only a little readjustment of present relations is required; in some parts hardly that. But where congestion of labour and bad poor law have aggravated the conditions, something more may be required. Even here the leading employers or a few intelligent landlords in the county might easily direct the movement right. There are two courses plainly open before the farmers and landlords of this country and of every county or district in it: either by intelligent sympathy and the means herein practically described, to make this movement an opportunity of advantage and security to themselves and all connected with the land, or to let it be a source of ill feeling, harm, and loss. And one word of advice to those districts where the labourers have pressed unduly on the farmers, and taken undue advantage of the harvest to demand extortionate wages. In reducing the number of men after harvest, let there be no spirit of angry retaliation. Remember that if these men have been misled, they looked for the most part in vain to those who should have been their natural leaders. From some of the southern counties there may have to be a large migration; but let the men go with a God speed them; let landlords and others come forward where they are wanted to direct this exodus. The machinery is ready in the West of England Agricultural Labourers' Association; and more or less under the auspices of that association there exists already in the western counties of England a nucleus of intelligent landlords and farmers, practically persuading the rest, the effect of whose moderating influence and far-sighted policy may be seen even now, but will perhaps be more fully felt hereafter.

Mr. William Morris, in his contribution on the question, said that his attention was first specially called to the condition of the agricultural labourer in his capacity as a poor-law guardian. One of the great points settled by the New Poor Law was that wages were not to be supplemented by poor law relief. The vicious results attending that system had been so clearly seen under the old law, that special care was taken under the new law to make it illegal. But more than we know, or can well know, this same vicious system lies at the root of much of our pauperism, and the enormous total of our poor law expenditure is affected considerably by it. There are two ways in which this is done: directly and indirectly. Directly, it is done through the reports of the medical officer, a medical report of illness being necessary before out-door relief can be given to a family, the head of which is an able-bodied man. Mr. Morris then referred to the appointment of medical officers in rural districts, and the most peculiar and often painful position these gentlemen found themselves in on accepting that post. In a parish in a union adjoining his own, when this agricultural labour question was first making itself felt, the guardian for that parish

promised his men to get those who had families a weekly allowance of bread, through the relieving officer, if they would not join the union, or demand an increase of wage. But he told them, they would have to get a medical report for one of their family—a child would do. The result of this is, that in the most poverty-stricken villages the poor, on being overtaken by any real or fancied ailment, run off at once for the "doctor." Of course, going for the doctor means bread—much needed bread for the family—bread without the working for it, bread at the cost of the ratepayer. This he illustrated by some facts and figures supplied by the returns of his own union. Those who declaim against agitation, and who assert that the wrongs of the matter, if left to the farmer and his labourer, would right themselves, were mistaken. Pauperism does not beget manliness. The labourer, whose pauperized body has begotten within him the pauperized soul, remains his life through the docile human animal known as the "day man." In addition to his docility he cringes before his "betters;" he holds in proper dread "the powers that be;" he is ready to take his stand by the side of the cattle that are not human, on the farm, in prospect of a "prize;" his hand is ever open for the charitable dole, and he propagates and swells the race to which he belongs. But, in addition to the day man, there is the piece-work man, one whose soul has not been crushed out of him. They were people who worked only by the piece, and many of whom throughout the year, except at the harvest season, did but little or no agricultural labour. Whilst they were doing the "cream" of the work, and getting for it the best pay, the day men continued on in their own monotonous round of lingering on, and in receipt of some slight addition only to their ordinary pay of ten shillings a week wages, given in consideration of the extra hours worked. The facility with which medical orders are obtained is the first great curse that falls upon both pauper and ratepayer. These orders cost nothing to the guardians, and are therefore as a rule thought less of, and given more freely than is a four-pound loaf of bread. Yet they are the first great stepping-stone to pauperism and our enormous poor-law expenditure. We cannot check the supplementing of wages out of poor rates until some alteration is effected here. Our case is with those who cannot help themselves, because they have no object in life, and nothing to live for but the workhouse and the pauper's pay; and it is they who so regularly recruit our pauper class. Any scheme by which the labour of the workman might be considered as so much invested in the farm, the weekly wage of even nine or ten shillings a week being looked upon as a draw on account, would work wonders, and help to bring back our rural districts to that condition which was the admiration of our poets of old. But he feared that when we find one employer of labour far-seeing enough to adopt this plan, we shall find a hundred struggling on in the old path. Improved cottage accommodation has been the talk and a recognised necessity for very many years, but we still find the village with decent homes the "hobby" of some land-

lords. There are those who would have us look lightly on this agricultural labour question as a thing having no reality in it, and they tell us that below the noise of the professional agitator there is contentment and quiet; but it is the quiet of men with the soul crushed out of them by the pauper taint. It behoves us then to do our part in helping the agricultural labourer to occupy what new status he may have won. We may do this by recognising him as one who is no longer a serf, entitled to be intrusted with the value of his labour in a cash payment, rather than as one who is worth nothing more than the smallest modicum of wage supplemented by charity, perquisites, rates, and "pickings up," by means of which he ekes out a soulless existence until he is ready to go into the house, or, as a great favour, becomes the recipient of out-door relief, until his troubles and his trials are buried with him in a pauper's grave. This will be the first step. The second will be to give the labourer something to live and labour for, and that may be best done by giving him an interest, no matter how small, in his daily work. Thereby there would be built up between master and man a better, and truer, and far more profitable feeling than anything that could arise from the exercise of charity as a substitute for right, or the most perfect of poor-law schemes could bring about.

Mr. E. L. O'Malley read a paper on the same subject, and commenced by stating that his observations applied rather to conditions than to methods, and that they did not profess to be founded upon any special or practical acquaintance with the local or personal circumstances affecting the position of the agricultural labourer and his relations with his employer in different parts of the country. On the other hand, he had not limited himself by an exclusive regard for those abstract considerations which, according to the theory of the mere political economist, must determine the settlement of this, as of every other phase, of the controversy between labour and capital. He had preferred rather a middle course, and contenting himself with such information as fell to the lot of ordinary people, he had adopted the conclusion to which it seemed to point, and had proceeded upon the ground that the agricultural labourer's position was special and exceptional, and ought to be regulated by moral influences and the interchange of mutual good offices between him and the farmer. Such influences had already done much, and it would not be fair to resort to open war by means of labour strikes until a definite appeal had been made to influences. Difficulties had arisen in the way of making such an appeal, the labourer having assumed a false position at the instigation of professional agitators, and this had prevented the farmer from doing as much as he might have done to arrange the matter in an amicable manner. The proposition must come from independent sources, and the great thing was to make the parties interested alive to their true interests. The labourer in particular would have to be taught to distinguish between the practicable and the impossible. He would require to be taught that he had no pre-

scriptive right to any arbitrary standard of comfort, and when that had been done, they must show him that his position should not be allowed to remain hopeless. They must enable him to see this for himself, and place within his reach reasonable and practicable means of bettering his position. This could be done, if they enabled him to assume, even on a limited scale, the position of a sharer in the profits of his own industry. It was the farmer's interest to assist him in this. The time would come when he must make a bid for the security of his position, which was already threatened. His policy was to individualize the character and aspirations of the working man, and so make him unwilling to swamp his own prospects in the common lot of a labour union. They should begin at the point where the interests of farmers and labourers meet, and seek so to modify their mutual relation as to make it the source and channel from which an improved state of things should flow. Laying aside general schemes of peasant proprietorships and kindred arrangements, as impracticable and unacceptable, requiring State aid and other unavailable props, he proposed that contracts should be entered into between the farmer and the labourer, by which it should be provided that the labourer, if he remained steadily in the employment of the farmer for a certain number of years upon a particular farm, or subject to other considerations of locality, which would depend on circumstances, and during that time fortified himself with certain guarantees of merit and respectability, should at the end of that time be admitted to a share of interest in the profits of the farm. If they looked to the part which farmer and labourer really played in the cultivation of a farm, he went on to observe, did it not, in fact, amount to natural partnership? The farmer contributed his capital in the shape of money and skill, and the labourer his in the shape of labour, and both kinds of capital were absolutely necessary for the production of profit. The labourer was entitled to interest for his capital, and received it in the shape of weekly wages. The farmer was entitled to interest on his capital in the shape of a money per centage, and to some sum corresponding to wages by way of interest upon that portion of his capital which fell under the head of skill. Supposing that from the gross products of the farm they deducted—1st, rent and other outgoings, independent of payment for labour and skill; 2nd, labourers' wages, and farmer's payment by way of wages for skill; and, 3rd, interest upon the farmer's money capital. They had remaining the profits on the farm—profits to the making of which the labour of the labourer had contributed as well as the capital of the farmer. Why should not one participate in these as well as the other? There would, no doubt, be some difficulty in adjusting the proportion, but he did not see why, if it were met in a fair spirit, a little time and experience might not overcome it. The farmer's proportion should be liberal, because on him ought to fall the sole risk of failure, inasmuch as the whole management would be under his control, and the prosperity of all dependent on his conduct.

DISCUSSION.

The Rev. BROOKE LAMBERT (Tamworth) said one of the principal reasons why he wished to say something in this debate was, that a certain statement in the sermon which he had the honour of preaching before the Association had been much called in question, and he now desired himself to gain information on the subject. In the course of his sermon, he inquired, "Who ever heard of a farm labourer raising himself by farm labour into the position of a tenant farmer?" and it was that question he wished again to raise. In the first place, he would repeat what he had heard in conversation touching the point at issue. The President of the Council, Mr. Hastings, said to him, "I know a man who has raised himself, in my own neighbourhood, from the position of farm labourer to that of a tenant farmer?" but Mr. Hastings afterwards explained that it was not by labour alone; and then he was reminded of the sentence in the sermon which stated that a labourer must leave farm work to take to some other trade if he wished to get on. Then, it was said that, in Scotland, several persons in agricultural districts had raised themselves. These, he ascertained, were shepherds who had sheepwalks. In Devon, he was also told, a large number of men had raised themselves from farm labour to tenant farming. But in that part of the country, there was at work a peculiar system under which the farmer could hand over the whole of the dairies to the labourer, who paid 10*l.* for each cow, and made a profit out of the business. Yet, admitting these to be facts, they did not overturn his own statement: and he confidently appealed to any person who could mention such exceptional cases, to say whether he was not correct, speaking of the class of farm labourers generally, when he stated that if they wished to be anything more than farm labourers, they must leave that business and turn to another. With regard to combination amongst labourers, he believed it was just as wise and unwise as it was amongst employers and all other classes. It was wise for labourers to combine to protect their own interests, as it was wise for employers to combine and protect their own interests; but it was always unwise for either employers or labourers to combine without sufficient cause, or in defiance of ordinary law. Everybody was now suffering from combination on the part of employers to raise the price of coals; for they had themselves said that the extra wages they now paid to their workpeople was about 2*s.*, whereas they had raised the price of coal to the extent of 6*s.* If any class was likely to be benefited by combination, it was the agricultural labourer, for it made him feel that he was not a mere unit, but a member of a large body. All honour to Sir B. Leighton and the other gentlemen working with him for the help they were rendering to overcome a great crisis, by teaching the labourer how to be independent without the necessity of antagonistic action; but it must not be forgotten that Sir B. Leighton and his coadjutors were, after all, in the minority on this question. Sir Baldwyn said that he had the general co-operation of the clergy in his undertaking. As a clergyman, he was glad to hear that, but at the same time he could not help remarking that in all his conversations on this subject he had not yet been successful in meeting with one clergyman who agreed with Sir Baldwyn.

Mr. EDWARD JENKINS (London) expressed a hope the discussion on this question would be approached in a spirit manifested by those who were more sincerely desirous to get at the truth than to proclaim their own opinions. He could add the expression of his pleasure at learning that, notwithstanding their criticisms, many persons, living apart from the agricultural profession, had lent their sympathy to the movement which had taken place among the labourers. As far as he could ascertain the larger number of the critics not only display sympathy, whether they were trades unionists in the towns, or barristers, or members of other professions, but also earnestly desire to get at the truth, and do some good other than to agitate. He strongly deprecated the conduct of those persons who, standing on their defence for an undefensible institution, stigmatized as agitators those who came to attack them. With regard to the best means of improving the condition of the agricultural labourer, several methods had been propounded. One of these, conceived by the labourer himself to be the most direct method, was the formation of unions, for the purpose of asserting his rights as against what he

considered at the time to be the tyranny of capital; whilst on the other hand, there were the suggestions thrown out by men of position and of humane spirit and earnest practical purpose like Sir B. Leighton. These suggestions must be criticized apart from the spirit in which they were offered; they were to be examined from a practical point of view, and practical men must ask whether such plans would or would not stand the test of practical experience. At the same time he wished in no way to say anything that was not conceived in the best spirit. He would first criticise the present state of things, and then endeavour to get at the solution of the difficulty. He maintained that there would have brought no rise in the rate of wages if labourers had waited until the farmers had given the advance. That would be admitted. There were many other questions mixed up with that relating to money only. It was no doubt the fact that the number of labourers receiving their 11*s.* or 12*s.* a week, who were supported out of the poor rate, and whose wages by that support were kept down to their present level, was something out of all proportion this year. This, he contended, was a disgrace to a Christian country. Wages had risen among the artisan class, but not among farm labourers, though the latter would bear a favourable comparison with the former; for if a good farm labourer were to receive as much technical knowledge of any other trade as he had of his own, depend upon it he would prove himself to be as conversant with his duty as any artisan, if not more so. Yet we found him in receipt of wages which, taking the average rate, was from 25 almost to 50 per cent. below what he ought to have. In seeking a remedy for this state of things, one or two conditions must first be examined. The best men in the country districts found their way into towns, and what remained for the farmer to deal with was the deteriorated class of labourers; so that the *Times* had correctly pointed out that, taking our agricultural districts as a whole, they only got the residuum of labour, and not the best in the market. That circumstance must, therefore, be allowed in consideration and justice to the farmer. The other point was that heretofore the state of things had rather tended to prevent the establishment of any graduated scale of wages, except where piecework had been introduced, so that the man who did the least work got as much as the man who did most. He had always persisted in advocating unions in Warwickshire and elsewhere, and he was not in the least ashamed to say so; and in all his advocacy he had endeavoured to impress on the minds of the labourers that they must look forward to the introduction of a system of graduated payments, similar to payment by results in education. That appeared, at first sight, to present a plausible argument on the side of the farmer, who would say, "Won't that antedate a great deal of misery? seeing that some men would not be capable of getting more than 8*s.* or 9*s.* instead of 16*s.* or 18*s.*, the standard of the agricultural unions." That would have to be looked fairly in the face by the unionists. Some farmers might complain of hardships after the proposed change had taken effect; but the Juggernaut of reform often passed over the poor and weak, and this could not be helped. Sir B. Leighton's scheme appeared to be designed for the purpose of defeating the bugbear "union," and of perpetuating a sort of paternal control, which the farmer was supposed to exercise. [Sir B. LEIGHTON: That is not so.] That was his own criticism of the scheme which had been set forth in a pamphlet, published by Sir Baldwyn on the subject. There were unions and unions; and when a farmer looked upon a union with suspicion, it would be found to be one of his own imagining, a creation utterly impracticable in these days, for he looked upon a union as a combination that totally disregarded the right of employers. For his own part, he believed a union might be constituted on such principles as that it could work no injustice whatever to employers, and that it could meet a union of employers so as to facilitate the arrangements which might be come to between them. The only true union, as he understood, was one intended simply to redress that balance of inequality which always lay against the poor labourer when he stood alone, while he faced a complete organization of farmers, which did not require to be called a union. A labourer, whom he met the other day in Shropshire, asked his employer to increase his wages, because his wife was sick. Of course the man went on a wrong principle in asking for an advance on that account; but what was the farmer's answer? "If I give you more, what will the other farmers say?" There was a trades union amongst

the farmers; and that union was met by another formed amongst labourers, who, standing side by side, said, "We go in for a rate of wages fair and just; let us stand together, and do no work until we get the advance we ask for." That was, he would admit, the worst possible plan to adopt, if any other could be devised. Still these things had to be done. Interest had to be balanced against interest by a sort of collision between capital and labour. While they said these strikes must take place, they ought not at the same time to withhold their sympathy from those who were engaged in them. What he strongly advocated was a happy combination between farmers and labourers. There were two elements to deal with, those of capital and labour; and it was suggested, as the best means of dealing with these, that there should be established a sort of industrial partnership. The farmers and labourers of the district would come together and decide upon the proper standard of living or of wages, for the purpose of maintaining that labour at a standard of labour power. Supposing it were resolved to support a man and his family, and to enable him to do his work properly, the rate of his wages would be about 15*s.* or 16*s.* a week, and that would not interfere with the graduation of labour. The capitalist and the labourer would work the farm, on the understanding that there was to be a per centage apportioned to each. Now, with regard to such a scheme, it would doubtless be contended on the side of the farmer, "Oh, then, the labourer does not lose; he is sure to win under any circumstances; he gets his 15*s.* a week, while, if the season be a bad one, I may get no profits at all." All that was perfectly correct; but, on looking at the other element of the problem, we found this question involved. Is it not as much a matter of interest to the farmer to maintain the labourer at the standard of labour power, as it is for him to have the money in his hand, if the man was not up to the standard of labour power, and could do no work? The bargain was a perfectly fair one. "All we agree to do," the farmers would say, "is not to give you any profits. We divide the profits if there are any; and what we give you is such a rate of wages as will enable you to do work." On some such principle as that, he thought a system of industrial partnerships might be upreared throughout the kingdom that would work successfully. At all events, whatever measures might be taken, or schemes suggested, nothing could so successfully maintain the rights of the labourer as the union, pure and simple, the union established on proper principles like that at Leamington, with reasonable rules to guide it in cases of wages, disputes, or strikes. Only by such means could farm labourers hope to defend themselves against a combination of capitalists, landlords, squires, and others who supported them; and in that way only could they hope to obtain redress.

Sir Robert Torrens, M.P., regretted the absence on that occasion of representatives of the class whose interests were under consideration. If some intelligent agricultural labourer were present, he would doubtless tell a tale somewhat different from that related in the admirable and humane statement of Sir B. Leighton, at least, so far as his wants were concerned. An intelligent labourer would probably say, "What I and my class desire is to be put into a position of independence; we want to be free men, and treated as such; we do not want to be treated as children, or as persons in the lowest grade in connection with the feudal system; we desire to enjoy that freedom as workmen in the colonies, a freedom we ought to enjoy in this country." Mr. O'Malley had, in his paper, truthfully described the condition to which the feudal system had reduced the farm labourer, a condition which the labourer did not wish to be perpetuated. It was said that great injustice had been done to the good feeling of the farmers by the action of the labourers, taken probably on the advice of other persons not belonging to their class to compel the farmers to give better wages. But, for his part, he did not think the farmers were either a bit better or a bit worse than any other class of her Majesty's subjects. All employers of labour, whether farmers or not, took advantage of the state of the market. The farmer had taken advantage of the labour market by giving to the labourer he engaged the smallest sum for which a man could be got. That was no real reproach to the farmer. But for the union among labourers, that state of things must have gone on. The labourer had just as much right to withdraw his labour from the market as the farmer had to withdraw his wheat. The case must be looked at in this way; for that was the position in which the farm labourer now stood. He was subject to

the feudal hereditary system of doles and eking out labour, supplemented by the poor law providing for him in his old age, when he ought to have provided for himself in the Government savings bank or in other institutions; and if he wished to obtain a position of freedom, he must first look the position in the face, and prepare to take upon him all its responsible duties. He must provide for his old age; he must take the care of the family who, because of their kindred to him, were naturally dependent upon him, and who might be incapable of earning their own livelihood. With regard to the doctrines of political economy as affecting this question, he thought they had been somewhat depreciated by a statement endorsed by Sir B. Leighton in his paper, when he said: "It may be that in our part of England we are a little old-fashioned, and still believe with Carlyle that 'Cash-nexus' is not the sole relation between man and man. I confess that I, for one, have yet to learn that the present teachings of political economy, competition, and cash payments, have improved the honesty of work; or that the dismal science, as it has been called, fulfils entirely the highest aspirations and purposes of humanity." Political economy did nothing of the kind. Political economy did not enter into the question of benevolence or humanity, or matters of a kindred nature; but it was not to be condemned simply because it did not effect everything. What political economy declared was that there are certain immutable laws inherent in the nature of things, and that if you observe those laws you promote the increase of the productive power of human industry; while, on the other hand, if you neglect them, the tendency will be to diminish the productive power of industry. That was what political economy taught. There was nothing in it about morality, human charity, or benevolent feeling. It was a very plain, business-like science; and though it did not profess to deal with moral questions, what it did deal with were questions of equal importance to humanity. The pounds-shillings-and-pence question was a very serious one in this *nexus* between capital and labour. Turning to another point, he considered the proposals which had been made for the amelioration of the working classes, and the benevolent suggestions offered by Sir B. Leighton, with regard to better cottage accommodation for the agricultural labourer, were highly commendable. As the noble President of the Association had pointed out, such an arrangement implied that the proprietor was to provide his agricultural labourers with cottages at a price which would form but a small fraction of the interest of the money which he had got to sink in building the cottages. A dozen of these, including gardens, could hardly be provided for less than 150*l.* or 200*l.* Allowing 5 per cent. interest on the former sum, that would be 7*l.* 10*s.* a year, or with the cost of repairs, rates, and charges, you could hardly put down less than 10*l.* as the annual sum the landowner should receive in order to recompense him for his outlay. Where was the labourer who could pay 10*l.* a year for his cottage? He was not to be found. That system, therefore, simply did what the labourer demanded in another form; to a certain extent, it was equivalent to an increase of wages. So with a cow-man. When he had the means given him of grazing his cow, that was an addition to value; and so with the labourer who had a garden. These matters were convenient to one class only, since they were not wanted by the unmarried men. What we wanted was some plan that would meet the just demands of agricultural labourers, as one body; something done at a proper charge for value. But Sir B. Leighton's submission was that these matters were to be considered only as exceptional indulgences to the frugal and steady labourer. That was the drop of poison that lingered at the bottom of an otherwise excellent draught; and so long as it remained there, the labourer would be treated as if he were in a state of childhood or even infancy, a position he did not want. What agricultural labourers wanted, and what they ought to get, was value for their labour. They did not care to be picked and chosen for the privilege of having cow or cottage land, according as they were civil to the squire, or voted for him, or because they sent their children to a parish school away from the Methodist meeting. They wanted independence; just that kind of independence which enabled the agricultural labourer in the colonies, who received the value of his work, to hold his head up firmly when he met his master, as any other free workman would do; not with incivility or rudeness, for he never experienced anything approaching that among the labourers to whom he referred; and they were of the same class as the farm labourer at home, the only difference being their better

circumstances, which were simply attributable to their receiving better wages than were given in this country for the same kind of labour.

Mr. T. H. Bastard (Charlton, Blandford) confessed to some diffidence in speaking on this subject, simply because he was but a small landed proprietor in a county that had been, if not maligned, at least held up to general notice, namely, Dorsetshire. As this question was associated with the objects of the Labourers' Friend Society, established in 1832, he might mention that, under the direction of the Earl of Shaftesbury, its aim was somewhat enlarged, so that it became a society for improving the condition of the labouring classes, especially by giving to them allotments of land. Addressing himself to practical questions, he asked the Department to consider how many villages in the kingdom there were in which it would be possible for labourers to have land to keep a cow upon. He knew but few that had commonable land, and this was scattered over the country. The keeping of a cow would no doubt help the farm labourer, and no one desiderated that assistance more than he did; but there were causes preventing the social advance of the class generally which it would be well for all persons interested in the welfare of the farm labourers carefully to examine. Wages, for instance, had been too low in other counties as well as in Dorset. Notwithstanding all that had been said against Dorset, he did not consider that the farmers there were worse than the farmers of Hampshire, Wiltshire, and Devonshire. Nor ought it to be forgotten that the farmer was often placed in a difficult position, when he had to take incompetent labourers as well as efficient ones; and he believed it would be found that, although 15*s.* a week was paid in the north of England, and 10*s.* in Dorset, in the former case the bad workmen were rejected, and only the good ones retained. Then it was well worth consideration that if the farmer were neither to keep the sick nor employ the inefficient labourers rather than let them go on the parish, he might be able to give higher wages to the men who were really competent. Suppose he granted higher wages under such circumstances, who would be content to provide for the needs of the sick and poor? There would have to be devised some new system of poor law, which would have the effect of making the whole community contribute. The building of more cottages was highly desirable for the comfort of the labourer, but he did not think any scheme would be practicable that did not give the farmer control over cottages, so that if he discharged one labourer for misconduct, he might put another in his cottage. A co-operative shop in every village would confer a great benefit, as it would put a stop to the system of credit. Early and improvident marriages he believed could only be checked by education.

Mr. T. Strange (secretary of the West of England Labourers' Improvement Association) said, the great want of the labourers was an object in life; they wanted land as well as wages. The society to which he belonged would like to see landlords, tenants, and labourers brought into one combination: that would lessen the distance that now existed in the position of the parties. In too many cases, the labourer had been compelled to live on parish pay, and content himself with a prospect of the workhouse in old age; but in meetings held on the subject of wages he had expressed a desire that at least his children should have something better than he had ever got. With better house room and better food farm labourers would do all the more work, which would consequently ensure to them better pay. One man said, "I often go to work in the morning on a piece of bread and a little tea, and as the day wears I feel how much more work I could do if I only had food enough to give me strength." The position of the labourer's wife was worse. In order to get more food and home comforts, to enable her husband and herself to live and work, she found employment in the fields when not detained at home, and while in the house made many little sacrifices for her husband's sake. All this he had himself witnessed in the course of visits among the labourers and their families, more especially during the last few years; and the conclusion at which he arrived was, that to the farmer less good food and less wages meant more poor-rates, and that, in the end, it did not pay the farmer to keep his labourers on low wages or low diet. The association with which he was connected maintained that no able-bodied labourer should have less than 15*s.* a week. It set down, as a vital principle, never to promote strikes, but to do all it could to encourage emigration from one district to another; from one district

where a superabundance of labour produced a low rate of wages, to another where labour was scarce, until the rate of wages went up to 15*s.* a week. In this way 700 men had migrated under the direction of the association, and only twenty of them returned. With regard to opposition, he believed the farmers were not so much opposed to the association as some persons appeared to imagine. When they became aware that the advocacy of the principles espoused by the association tended to promote the public good, as well as the welfare of the labourers, and the interest of the farmers themselves, they would surely adopt those principles, though but slowly. Reference had been made to the action taken by clergymen on this question. Instead of having anything to say against them, as a Dissenter he had much to say in their favour, for to the association he represented they had rendered valuable assistance in promoting its objects, the president and twenty vice-presidents being clergymen of the Church of England. With a slight difference only, the principles propounded by Mr. Jenkins, Sir B. Leighton, and Mr. O'Malley, were to the same effect as those on which the West of England Labourers' Improvement Association based its operations. Mr. O'Malley's plan, however, could not come into play for some years yet, because a labourer must get money before he could invest it, and the great bulk of farm labourers had not saved money. They must first be taught how to get more money, in order that they might save some, and then how to invest what they saved.

Mr. H. Clark (Tavistock) said for his part, he thought it was a perfectly legitimate contention for the farmer to say to the labourer, "If you are not contented with the wages you get from me, you can take your labour to another market." Agricultural labourers were right to establish unions; indeed, they would be wrong if they did not have unions of their own, since almost every other class, not excepting the Bar, had its unions, though they were not always known by that name. He, therefore, approved of a labourers' union as much as any other, provided it was conducted on proper principles, viz., of combination for their own protection and theirs only, not interfering with the legitimate labour of their neighbours; and he hoped these unions would succeed. The farmer was heard to say, "I cannot afford to pay the agricultural labourer more than I now pay him, because my profits will not admit of it;" and he likewise argued that he had no security for the capital he invested in the land. It was on this latter contention that the whole question hinged; and Parliament, he maintained, ought to interfere and give the farmer that security—security, not for land alone, but for cattle as well: that would enable him fully to develop the resources of the soil. But in order to make the best of the soil, he must have skilled labour and good workmen. With regard to cottages in Devonshire, he was glad to learn there was a growing tendency towards their improvement. It was, he thought, desirable that the farm labourer's cottage should be as near to the farm as possible, and that it should be made quite comfortable. As to direct wages, his experience at the Bar led him to the conclusion that hard cash was the best kind of payment. He had prosecuted some men and defended others for stealing produce; and in most of the cases he found that the prisoner had been receiving, say, 10*s.* a week, but that he was in the habit of receiving something in kind as well; perhaps a little wheat at the end of the week. Unhappily, however, he was tempted to take a little more wheat, and gave way to the temptation. There were labourers who did not like direct payment; they liked cider, and cider proved their bane. Pay such men in hard cash, and there would be some chance of their taking the money home to their wives. That clergymen did a good work among labourers he was able to testify from personal knowledge. In the parish of Milton Abbot, the evil effects of public-houses had been greatly counterbalanced by the efforts of the rector, the Rev. Sir St. Vincent L. Hammick, who established a reading-room, which was frequented by farm labourers in preference to the public-houses. The reading-room was self-supporting, and it had done so much good that more than one public-house had been compelled to close for lack of custom.

Mr. Albert Pell, M.P., said he had been practically acquainted with farming for many years. His experience differed entirely from the views expressed by preceding speakers, who attributed the rise of wages to combination. Within his own knowledge wages had advanced 44 per cent. in the course of twenty-two years; for, whereas in 1850 he was paying 9*s.* a week, now he was paying 14*s.*

a week to the ordinary labourer, and not to the horsekeeper, shepherd, or other skilled labourer, who got more. With regard to the clergy, whatever some of the newspapers might write, he was prepared to say there was no better friend to the agricultural labourer than the clergyman. Much of what he read in the papers respecting unionism among these labourers, he knew from personal experience in Northamptonshire, Leicestershire, and Warwickshire, to be quite untrue. As far as his weekly tenants were concerned, he had offered quarterly tenancies to such as wished to have them, or full liberty to seek employment elsewhere, if they thought they could improve their position, but he did not think they could do any better by going away. As for co-operation, he did not think that would be practicable among farm labourers. The plan suggested by the present Speaker of the House of Commons (Mr. Brand) was opposed to all accepted ideas of managing business. For a farmer to offer to borrow money that he might increase the interest upon it by his own gift was a strange mixing of charity with business. With reference to realized earnings, a man who had been in his employ since 1849, now possessed 200*l.*, which he had saved from his earnings as an ordinary farm labourer. He was an unmarried man. [A MEMBER: That makes all the difference.] Another of his men was married, and had a large family. He had been working on the farm ever since his boyhood as a day labourer, and now possessed six or seven acres of grass land, on which he kept two cows. Those were exceptional instances, but they would counterbalance the exceptions which had been cited on the other side.

Mr. C. S. READ, M.P., gave his own experience as confirming that of his hon. friend with regard to the saving of money. Of his three neighbours, occupying altogether nearly 300 acres of land, two were agricultural labourers, and one was a farm bailiff. He would, however, at once admit these two men were something more than ordinary labourers; they were skilled workmen undertaking task work; and as in the course of time they managed to save money, they bought a little land and associated with their farm duties the calling of a butcher or some other trade, working them well together until they got more land, and so on. All that showed that the profits of farming were not great, and on that account men did not succeed at it so well as some people thought they might. The talented progenitor of "Ginx's Baby" (Mr. Jenkins) said 15*s.* a week was a fair wage; but why pay so low a sum? A man with five or six children could not live on 15*s.* a week, though an unmarried man might do with even less. Were we to go back to vicious principles of the old poor law, and pay farm labourers according to the number of children they produced? Whenever political economy was applied to agriculture to prove one thing, a professed economist was sure to jump up and tell us something exactly the contrary. The condition of the agricultural labourer could not be improved by any attempt to make him independent, if at the same time we insisted upon his retaining all the benefits of his dependence. He was perfectly willing to agree with his labourers on commercial principles; but unfortunately they were not willing to enter upon such an agreement with him. It might appear strange, but it was no less true, that though he had been farming all his life, he never had a labourer of his asked to be put on piece work. That was remarkable, because his contention was that the amelioration of the labourer's condition consisted in the introduction of piece work; and that was true co-operation. Other persons argued that co-operation consisted in the labourer having a share of profits; but what was it that a labourer did towards getting the profits? If he ploughed in an irregular fashion, or if he harvested corn in a slovenly way, though it was an untidy sight to the farmer, it did not really reduce the amount of his produce to any considerable extent. A hundred weight of guano, or a glimpse of sunshine for twelve hours would do much more for the farmer's profits than mere slovenliness of labour. We depended more on the amount of labour brought to bear at a certain season of the year, whether the profits would be great or small, than upon the quality of the labour. Agriculture being the primitive industry, it employed a larger amount of unskilled labour than any other industry, and consequently, by the laws of nature, it should be the lowest paid industry; and it was the lowest. There was no reason whatever why an unmarried labourer should not exercise a little self-control during a period only of three months, when he could then transport himself to any part of the United

Kingdom he chose to go to. When gentlemen said that the agricultural labourer had now found out for himself that he was not tied to any one spot, he would ask them how it came to pass that the amount of that kind of labour had diminished during the last few years? Men married, and the population grew up as fast as ever; but when a man arrived at years of discretion, and found out that his labour would be appreciated more in one part of the kingdom than in another, as a matter of course he removed himself. That accounted for the diminution of our agricultural population. When he heard it said that wages had been raised simply and solely by unions and strikes, he had no hesitation in confirming by his own experience that of his hon. friend (Mr. Pell). Whereas twenty years ago he paid 9*s.* a week, he now paid 12*s.*; and this rise in wages took place previous to the existence of unions. The most recent increase was 1*s.* a week, in consideration of the rise in the price of fuel and provisions, and not in consequence of any influence or action on the part of the unions. Then, with regard to the labourer keeping a cow, several conditions were requisite to make that pay. First of all, he must have land that the cow might run upon; he must have money; he should have a wife who was a good manager; and a house well adapted for making the most of the produce; then, the cow must not die, or she must not have the foot and mouth disease. These and other things granted, cow-keeping might be a profitable investment for the labourer. In the county where he resided many large farmers had to buy milk, as they could not afford to keep cows even for the requirements of their own table. There, at any rate, it would be impossible for the labourer to work out his advancement by keeping a cow. If, however, he did keep one, it would be much better for him if he were to let her run with the farmer's cow than that he should get an acre or two of land himself simply to keep the cow upon. Every farmer knew quite well that you could not make the most of cow-keeping with one only. It was impossible; and this had been admitted by labourers, who kept cows by running them on his own farm. At the same time he would say this, that farmers who had dairies should do all they could to let every one of their labourers have a portion of the milk. What the latter wanted was not so much the profit that a cow might bring, but her milk as diet. That, he believed, would be much better for the farm labourer and his family than intrusting him with a cow.

Mr. W. F. Collier (Plymouth) said the conclusions drawn from Mr. O'Malley's paper on pauperism would rather upset many of the notions that some persons had as to the burdens on landed property. The conclusion was, that where wages were low, the poor-rate was high, and *vice versâ*, showing, in fact, that it was the labourer who paid the poor-rate, and not the land. The other papers, those of Sir B. Leighton and Mr. Morris, were alike in two respects: both disapproved of labourers' unions, and both highly approved of co-operative partnerships of industry. The objection to the unions had, he thought, been pretty well answered in the course of the debate; but he could not help expressing his surprise that any gentleman connected with the Chamber of Agriculture should object to unions; for he was utterly at a loss to conceive on what principle they grounded their objection. It had been already stated on good authority, that these labourers' unions had done no harm whatever, and were likely to do much good by placing the labourer in his proper position. As far as he could learn, they did no more harm than increase wages, if that could be called harm, while they would do an infinity of good by calling attention to the great difficulties that had arisen between capital and labour. Political economists had arrived at the same conclusion with the authors of the two papers, that the solution of those difficulties might be found in co-operative partnerships of industry. While he approved of industrial partnerships, he did not think they could be established for the benefit of agricultural labourers with anything like ease. Their success must depend entirely on the correctness of the system established; and none, he thought, would be successful that did not include the co-operation of the landlords. It was said in Devonshire that the landlords and tenants were partners. That he denied, for the landlord could not be considered a partner unless he divided the profits and the losses with the tenant, which he did not do. In that department of the congress he held that a clear distinction should always be observed between land, capital, and labour. No system of

co-operation or co-partnership would be complete that did not establish a good method for estimating profits. As yet, none existed that he was aware of. Even Mr. Mechi's balance-sheets were disputed. He never heard of a merchant's balance-sheet being challenged, simply because the system on which it was prepared was a correct one. Until a good method of estimating farm profits was devised, and applied universally and not exceptionally, it would be next to impossible to establish industrial partnerships for labourers. Although he had but little personal experience of farming, he knew enough of it to be able to see many difficulties connected with it. Cow-keeping, he had tried that himself, and the result of his experience was that he could not trust a cow very much. In some hard winters he had been at a loss to know how to keep her, and he had yet to learn that labourers would experience less difficulty in the matter.

Mr. W. D. Henderson (Belfast) said Ireland was better off than England in regard to agricultural labourers. Their social position was better, and marriages were not so early, the average age being 27 as compared with 24 in England. The proposal to retain large farms and give the labourer a bit of garden ground, and grass land to feed a cow upon, amounted to making him a small farmer. It was his own belief that sooner or later the present difficulty would have to be met in some degree by holding out the hope to the labourer of his becoming a small farmer on his own account; for, unless that were done, he would not continue at farm labour of any kind; so that there would have to be small farms as well as large ones. Whatever might take place in England, he believed that in Ireland landlords and tenants would find it to be their interest to combine. The improvements of the farmer would then become his own property; and it was remarkable that improvements were carried out more economically by the farmer than by the landlord.

Mr. E. Vivian (Torquay) addressed himself to the question, whether the labourer was in receipt of wages sufficient to enable him to raise his condition, and if not, how could he best do it? He said he had not yet seen the phenomenon of a labourer raising himself to the position of a tenant farmer by his earnings as a labourer; but he could give good cases of his own men, who by thrift, steadiness, and economical saving, accumulated very creditable sums of money. There being a complaint about low wages, he said to his men, not that they should have no babies, but that they might surely economize in something else, and he advanced them a shilling a week. The advice he also offered to his young female servants was not that they should not marry, but that they should let him take care of their beer money, a shilling a week, and he would allow them 5 per cent. on the accumulations. Those who consented to this arrangement and remained in his service had accumulated one or two hundred pounds; and when they had done that, of course, so far as means were concerned, they could have as many babies as they liked. He preferred giving his people milk instead of cider, as he believed it was better for them in every way. One of his men, to whom he gave the extra shilling a week, might have turned tenant farmer, had he not lent his money out at 20 or 30 per cent. to a little farmer. The other embarked in house property; he let it furnished, and political economy kept him all right in that undertaking.

Mr. J. N. Bennett (Plymouth) so far approved of the proposals contained in Sir B. Leighton's paper as to express the hope that many of them might be carried into practical effect. Mr. O'Malley's scheme for a kind of co-partnership lacked a fundamental element, viz., the consideration of the rent payable to the landlord; for unless that entered into the calculation, the landlord, holding the chief power in his hand, might at any time take the lion's share of the profits, and leave the tenant farmer very little, while the labourer would have nothing at all. With regard to the elevation of the farm labourer, he maintained that it could be done only by raising wages, in cash or in kind, whether they took the form of co-operation, cottage, cow, or pig. Farmers in the western counties were differently placed from farmers in the central, northern, and eastern counties of England. In the latter, the farms were larger, and as more capital was required to keep them going, the competitors for such undertakings were far less numerous than they were in the western counties, where the farms were mostly small ones, and the competition among the buyers keener. The consequence

was that the purchaser, on making a calculation, found that he had very little margin left, if any at all, upon which to meet the equitable demand of the labourer for more wages. For that state of things there appeared to be no remedy, unless the landlord allowed the lease to be cancelled, and unless the right were conferred upon the tenant to that portion of his capital which he had expended upon the landlord's land. Were that carried out, it would avoid the hard alternative suggested by Mr. Jenkins, that the tenants all over England must submit to the consequences of the Juggernaut car of reform passing over them. He did not think the car of reform demanded any such sacrifice. He believed it could make satisfactory progress, and at the same time confer benefit on all classes of the community without injuring any. One benefit it certainly ought to bestow, and that was tenant right on the tenant farmer.

Mr. WALTER MORRISON, M.P., differed from Mr. Pell when the honourable gentleman said the proposal of the Speaker of the House of Commons was an uncommercial one. While admitting that it was somewhat crude, he pointed out that only imperfect reports of Mr. Brand's speech had appeared in the newspapers, and that no doubt there was some little misapprehension on the subject. So far as he understood the proposal, it was this: the Speaker offered to give to the skilled farm labourers for their co-operation exactly the same rate of interest as the savings bank, with this addition, that if the experiment proved successful in giving him a large profit on his farm, he would then give to the labourers, who had presumably by their extra exertions brought additional profit to the concern, a certain share, so that the dividend might perhaps go up to ten per cent. There was nothing uncommercial in that. Most farmers borrowed money from their bankers, and paid more than 2½ per cent. interest; and if the labourer was content with the security the farmer offered him, there was no reason why the latter should not borrow. It was quite a mistake to suppose that any person who had ever advocated industrial partnerships, did so on the ground of philanthropy, though he thought a high debt of gratitude was due to Messrs. Briggs for having led the way in this movement. Had the experiment failed, they might have suffered considerable loss, if not ruin; but never once had they advocated industrial partnerships on philanthropic grounds. Mr. Collier hit the real difficulty when he suggested that a reliable method should be devised for estimating the real value of farm profits; for under no existing arrangement could that be done within a term of several years. Although the difficulty was a serious one, yet it might be got over. In the case of a shepherd, so much might be paid for every lamb he brought to maturity; whilst, with regard to general farm labour, the average produce of a given amount of land should form the basis of calculation. But so much depended on the season, that even that plan would not always prove satisfactory. Somehow the problem, he thought, might be solved. He had not a sufficient knowledge of an arable farm to enable him to form a definite opinion on that matter, but it was only one among many difficulties they had to contend with, since the movement he advocated was not merely one in favour of higher pay, but also intended to react against feudalism. It was a struggle on the part of the farm labourers to attain a better position in society than they occupied at present. What they wanted, as Mr. Strange said, was an object in life; and that could only be attained by introducing the pure co-operative system to enable them to manage a farm themselves. Everybody knew in a country district that a labourer with half an acre of land could get a great deal more out of it than a farmer could get out of the same amount; and the remark would apply to some extent to farms worked by labourers on their own account. There was a desire spreading among these men to become their own employers, and cease to be the servants of other persons; but while in some respects this feeling had good in it, in other respects it produced evil. On the one hand it took a foolish form, like that which obtained among the artisan population of the United States of America when they refused to call their employer "master," calling him "boss" instead, as if changing the name could change the thing. The experiment of co-operative farming would require great care, and wishing as he did to see the system gain ground throughout the country, he did not wish to see it spread too rapidly, for it was a system that could not be carried out in a day. In order to ensure success, the farms should be established only in moderate numbers at first, and be under the management of picked men; and he

knew of no better test of fitness than the fact that such men had saved money. If the farms were to succeed, it would be desirable that the bulk of the capital should be supplied by the men themselves. Very little was known of co-operation in farms, though a deal of experience had been gained by co-operative societies in the ordinary trades. The Assington case, mentioned by Sir B. Leighton, was not to the point, as the farms there were not worked on the true co-operative principle. They were only joint-stock companies, in which the shares were held in small amounts of 3*l.*, the whole profits, after paying the labourers, being divided among the capitalists; whereas, according to the true principle of co-operation, the labourer would receive a portion of the profits in addition to his wages. A co-operative farm should not be fostered, but like the co-operative societies in the north, it should be worked by the men themselves. If fostered, a co-operative farm would become a sort of hot-house plant. The difficulty of getting the young labourer more interested in the soil must find a practical solution, and he believed the only one lay in co-operative farming. In purchasing a farm, not only should the workmen themselves club together, but a great boon would be conferred upon the labouring poor if landlords were to come forward, and by advancing capital help the men to buy the freehold. With regard to cow-runs, it was a common custom in Devonshire to pay the labourer in part by giving him a cow always in milk, and a shepherd two cows always in milk, and that kind of payment was very acceptable to a man with a family.

Mr. E. Thorne (Plymouth), whose experience was not confined to England, described the farm labourer and his wife as the most extravagant of the working class in any part of the world. They did not know how to use money when they got it, and their earnings were largely spent in drink. When one of the speakers dwelt dolefully on the meagre diet of some farm labourers, his own mind reverted to personal experience of the simple fare he enjoyed while working in the bush in North America. It was winter, and in company with several other Scotchmen, who provided themselves with a blanket, a pillow, and a little bag of oatmeal, he lived a whole week in the bush with nothing to eat but oatmeal. And he did very well on it. He had, therefore, yet to learn that a large amount of animal food was necessary to sustain a working man, even in arduous toil. With regard to wages, they ought not to lose sight of the fact that what a man did not get in money he often got in kind; and with a third to half an acre of ground to cultivate on their own account, there were labourers in Devonshire who realized more than enough to pay house rent, while, in some cases, they had a front-garden, with roses climbing about the window. He had adopted this plan in the houses, which he let to farm labourers at a rental of 30*s.* to 50*s.* Besides all these advantages, they had the benefit of pure air, and altogether were better off than many of the working class in the large towns, who were cooped up in stifling courts, where not infrequently five or six persons slept in a single room. Several farm labourers known to him had become tenant farmers—men in Devonshire, receiving no more than 12*s.* a week, some even less than 9*s.*, when they had to appear every Sunday at church or chapel in a decent suit of clothes. These men became tenant farmers, not because they got larger wages than others, but simply because of their honest thrift, their integrity, and their general good character.

Mr. Edward Wilson (London), referring to the opening remarks of the preceding speaker, reminded the Department that they were not now dealing with Scotch labourers. For his part, he confessed he always approached the traditional Scotchman with a sort of awe. As a matter of fact, Scotchmen must be regarded as exceptional men; for he questioned very much whether an ordinary English working man could support a splendid existence upon a little oatmeal. He had for his privilege to spend the better part of his life where men received more wages than were given in any other country, viz., from 15*s.* to 20*s.* a week, while, in addition to this, they were given in kind 10 lb. of meat, 10 lb. of flour, and a quarter of a pound of tea. That was in Victoria. The condition of the same class of men in England presented a painful contrast. He could sincerely sympathize with them in their toil, for he had experienced something of hard work himself, and knew what it was to look upon the sinking sun and wish it would sink a little faster. There was no greater cruelty to mankind than putting him to hard work on insufficient food. In Warwickshire, the correspondent of the

Daily News did the best thing he could do under the circumstances for the labouring poor there, when he sat down to an early meal with them one morning. Writing his experience, he said: "I have had breakfast for twopence, and I feel as hollow as a drum." That was anything but a pleasant sensation for anybody to feel; but what must the feeling be to a hard-working farm labourer? Pitying, heartily pitying them as a class, he ventured to say that, if any man had a first claim upon a fair share of the profits from a good crop, that man was the farm labourer, who practically contributed towards the result. These men were the victims of the feudal system. Habitually reared in a humble and servile condition, though they turned out very good work, they were kept at it on very low wages, sufficient only for bare existence. There was a purpose in all this feudalism; and it was to keep them down to as low a level as possible. Yet the moment they declared they would submit to this feudal system no longer, up jumped the large class of farmers, and complained: "Our profits are not much; we are not rich; and if we give you more wages, the balance will be on the wrong side." It appeared as if the farmers themselves were under the feudal system; for when a farm was vacant, there were from twenty to fifty applicants, and the man who was fortunate enough to get the farm had to submit to almost any terms as to rent, game, and other matters of direct interest to the landlord. He concurred in the view which had been taken by the best writers, who predicted that it would be a serious matter for England when the agricultural labourer found out his real position, and resolved to submit to degradation no longer; and if anything strengthened his conviction on the point, it was the fact that this rebellion on the part of the agricultural labourer—for it was a rebellion—was in some quarters met in a spirit less worthy than might have been expected. Dukes had handed cottages and shops over to the custody of farmers, so that the occupants might be amenable to the farmers, and liable to instant eviction; while a dignitary of the English Church recommended that the agitators should be "ducked in a horsepond." When men occupying such prominent positions were acting in that ungracious way, the danger was becoming more and more imminent, and it behoved all persons who took any interest in the down-trodden farm labourer to do their utmost in order to avert the coming calamity.

Dr. W. Pearse (Plymouth) said, it had been his lot to labour among the working classes of Australia, the West Indies, East Indies, and other countries, where such men had a greater aim and object in life than the English labourer. He spoke without any disrespect of the English labourer; he had worked on board-ship with him, and it required some trouble to manage him; yet he was manly and worthy. The coolie looked forward, in the midst of his toil, to the time when he should return independent to his own country, and he did so return. Others obtained independence, almost at once, in Australia. Having himself visited the Borra Borra mines, he could testify to the temperate, manly character of the men working there: they were really splendid fellows. So were the workmen in Melbourne and Ballarat; they met you with respect, and you were proud to associate with them. In this country, the same class of labourers were poor, abject, and downcast: because they had no aim. Whatever the method of improvement, it should give the labourer a certain object and prospect in life.

Mr. Botley (London) remarked that there should be industrial education producing temperance, prudent forethought, with economy; every estate should have a sufficient number of cottages on it, with land adjoining for growing plenty of vegetables, and, if possible, with a cow-green as well; farms should be let on long leases, with compensation clause for unexhausted improvements, or tenant-right; wet and strong land should be thoroughly drained, immoderate preservation of game discontinued, and tenants selected on account of their skill and enterprise, and not because of their politics; and piece-work should supersede day-labour. Those, he held, were the great principles which would eventually lead to the improvement and advancement of the agricultural labourer.

The President (Sir J. Bowring), closing the discussion, said that although the opinions expressed in the course of this interesting debate were much opposed to each other, it was gratifying to observe, that while they had been severely attacked, they had been defended in a courteous and friendly spirit.

LOCAL TAXATION.*

What Principles ought to regulate Local Taxation and Administration?

A PAPER on this question, by Mr. John Scott, Barrister-at-Law, author of the Second Taylor Prize Essay on Local Taxation, awarded by the Statistical Society of London, was read. The writer maintained that, although the amount of local taxation has much increased of late years, the burden is not heavier than it was, inasmuch as there has been a proportionate increase in wealth and population. A large proportion of present local taxation is not a burden at all, but an investment with an ample return. But, with a view to the future increase of local burdens which is likely to take place, it would be well to readjust the present local charges, so as to throw upon the whole country all such as are strictly imperial burdens. The main items which ought to be thus transferred come under the heads Administration of Justice (including the expense of the police and the cost of prisons) and the Maintenance of Pauper Lunatics. If the local taxation be thus relieved, it would not then be more than what is just; and any excess in it can only be the result of mismanagement. But no relief of local taxation should be brought about by means of a grant from the Consolidated Fund. The majority of existing rates almost exclusively benefit the land; and all rates are a charge upon the land, subject to which the present owners received their property. An imperial grant would, therefore, be a present to landowners, just as much as would be the payment by the State of a portion of all existing mortgages, or the imperial land-tax. The land should also be subject to special charge by reason of its special privileges, such as its exemption from probate duty, and because it is the only kind of property that increases in value with the increase of general prosperity without any exertion on the part of the owner. The just mode of dealing with such portions of the existing rates as are not properly local would be to convert them into a general land-tax. The main portion of present local taxation justly falls upon the land, and the main local tax should remain an occupation-tax. Of such a tax the owner and occupier really share the burden; there should, therefore, be a division of rates, as proposed in Mr. Goschen's Local Taxation Bill. In such case, the land would pay the whole of one moiety of the rates; and, in so far as the occupier includes land amongst his property, the land would also contribute to the other moiety. But new rates are now being levied, *e.g.*, the Education Rate, which are not of peculiar benefit to the land, and it would not be just for the land in such

* See *Transactions*, 1871, p. 613.

cases to pay the greater portion of the burden. To meet such new rates, a local income-tax, levied on the plan of the local direct taxation in France, is proposed. Local assessed taxes, local licenses, and a local excise on wines and spirits are also suggested. As regards the local administration, the local areas adopted by the Sanitary Act should become the unit of administration for all purposes. There should be one governing body, with power to delegate its authority to committees; there should be plural voting, a representation of minorities, and the *ex-officio* element of existing local boards should be abolished. The writer also endorses the proposal of provincial beards contained in Mr. Goschen's Local Taxation Bill as a good practical compromise between a purely representative body and the present quarter sessions government. A consolidated rate, a uniform system of assessment, a demand-note informing the taxpayer when he pays, what he pays, and for what object he pays, are also recommended.

Captain CRAIGIE next read a paper on the question. He stated that the strong feeling of grievance long prevalent in the country as to the unjust incidence of local taxes had culminated in the vote of the House of Commons on the 16th April last, and had drawn from the Premier the announcement that local taxation reform would occupy a prominent place in the business of the next session. Mr. Goschen had placed the local revenue and expenditure for the year 1868 at 30,000,000*l.* for England and Wales alone. Later official returns had been issued, whose totals did not reach this amount, but placed the receipts of local authorities in England and Wales at 27,775,000*l.*, and the expenditure at 27,315,000*l.*, these sums being chiefly, though not altogether, for the year 1869-70. In Mr. Goschen's figures loans raised in the year were included in the receipts of all local authorities; in the later returns they are included in some cases and excluded in others. This partly accounts for the difference in amount; but other errors, such as the overstatement by Mr. Goschen of the Government subventions, may be noticed. Disregarding loans raised and debt repaid during the year, the local revenue has now reached 25,842,000*l.*, of which the State contributes 895,000*l.*, localities raising a further sum of 3,549,000*l.* from their property and from miscellaneous sources. This leaves an amount of 21,398,000*l.* to be provided by local taxation properly so called. Of that amount 16,874,000*l.* (or 79 per cent.) is levied in rates, and 4,524,000*l.* (or 21 per cent.) apparently collected by dues, tolls, and indirect imposts. If the statement of loans raised be considered, they show how rapidly the local requirements of our times were heaping up burdens which would in future augment the calls of the local taxpayers. Including the debt of the Metropolitan Board and of the City of London, more than 60,000,000*l.* of borrowed money remains chargeable to the localities of England. The expenses incurred for promoting the local welfare of the community by the relief of pauperism and lunacy, cost 9,252,000*l.* The various sums

TABLES REFERRED TO ON PREVIOUS PAGE.

Authority for the Figures given.	Class of Local Authority.	Year of Return.	LOCAL REVENUE.					LOANS Raised during the Year.
			From Rates.	From Dues, Tolls, Fees, and other indirect Imposts.	From Property and Miscellaneous Sources.	From Government Subventions.	TOTAL REVENUE.	
			£	£	£	£	£	£
140 D. of 71	Poor Law Authorities	1869-70	8,244,000	...	325,000	145,000	8,714,000	(a) 663,000
132 ←	County do.	,,	1,558,000	...	(b) 548,000	362,000	2,468,000	...
453 ,,	Borough do.	,,	971,000	632,000	440,000	169,000	2,212,000	728,000
211 of 70	Metropolitan Police Commissioners...	,,	554,000	16,000	116,000	203,000	889,000	...
24 of 71	Metropolitan Board of Works	,,	396,000	21,000	325,000	10,000	752,000	2,080,000
452 ,,	Metropolitan Vestries	,,	949,000	...	172,000	...	1,121,000	163,000
470 of 70	City of London	1869	184,000	430,000	239,000	6,000	859,000	1,245,000
452 of 71	Improvement Commissioners	1869-70	(c) 437,080	(c) 288,000	353,000	...	1,078,000	418,000
,,	Local Boards	,,	1,834,000	...	507,000	...	2,341,000	1,003,000
,,	Commissioners of Sewers	,,	43,000	...	2,000	...	45,000	2,000
,,	Drainage and Embankment Authorities	,,	158,000	...	12,000	...	170,000	9,000
,,	Lighting and Watching do.	,,	40,000	...	1,000	...	41,000	...
C. 350 of 71	Highway do.	1868-9 (and 1869)	1,409,000	...	38,000	...	1,447,000	18,000
C. 454 ,,	Turnpike do.	1869	...	856,000	75,000	...	931,000	3,000
452 ,,	Burial Boards	1869-70	90,000	91,000	28,000	...	209,000	10,000
,,	Church Authorities	,,	27,000	...	3,000	...	30,000	...
,,	Market and Fair do.	,,	...	28,000	34,000	...	62,000	8,000
,,	Bridges and Ferries do.	,,	...	82,000	15,000	...	97,000	...
,,	Harbour do.	,,	...	1,412,000	272,000	...	1,684,000	372,000
470 of 70	Pilotage and Light Dues	1868	...	668,000	44,000	...	712,000	...
			16,874,000	4,524,000	3,549,000	895,000	**25,842,000**	6,722,000

(a) The Poor-rate Returns do not give the amount raised by loan within the year; Mr. Goschen's example is, therefore, here followed, and the sum entered is that *authorized* to be raised.

(b) The County Accounts do not distinguish in any way between money borrowed during the year and that received from miscellaneous sources: in this single instance it has, therefore, been found impossible to eliminate loans from the legitimate revenue.

(c) The Improvement Commissioners' Returns do not distinguish between "Rates" and "Taxes and Dues." The sums entered here are an estimate founded on the proportions between those sources of revenue in the House of Commons' paper, 470 of 1870.

Class of Local Authority.	LOCAL EXPENDITURE. I. On Pauperism and Lunacy, including Interest on Debt.	II. On the Repression of Crime, including Interest on Debt.	III. On Internal and External Traffic, Roads, Bridges, Markets, Harbours, &c., including Interest on Debt.	IV. On Public Works, Improvements, and Miscellaneous Expenditure, including Interest on Debt.	TOTAL EXPENDITURE.	DEBT REPAID During the year.	TOTAL DEBT Still outstanding.
	£	£	£	£	£	£	£
Poor Law Authorities	8,805,000	44,000	...	208,000	9,057,000	(w)	1,787,000
County do.	(x) 437,000	(x) 1,622,000	59,000	289,000	2,407,000	...	2,863,000
Borough do.	(y) 10,000	760,000	...	1,859,000	2,629,000	423,000	5,007,000
Metropolitan Police Commissioners	...	818,000	...	...	818,000	...	...
Metropolitan Board of Works	...	...	...	1,002,000	1,002,000	1,419,000	8,196,000
Metropolitan Vestries	...	...	...	1,187,000	1,187,000	92,000	1,463,000
City of London	...	96,000	...	1,555,000	1,651,000	468,000	*
Improvement Commissioners	...	...	...	1,402,000	1,402,000	184,000	4,290,000
Local Boards	...	...	...	3,287,000	3,287,000	(w)	8,395,000
Commissioners of Sewers	...	...	...	42,000	42,000	4,000	44,000
Drainage and Embankment Authorities ...	...	...	...	172,000	172,000	20,000	1,220,000
Lighting and Watching do.	...	...	...	42,000	42,000	...	...
Highway do.	...	...	1,434,000	...	1,434,000	1,000	38,000
Turnpike do.	...	...	747,000	...	747,000	182,000	2,944,000
Burial Boards	...	...	...	142,000	142,000	65,000	815,000
Church Authorities	...	...	...	15,000	15,000	17,000	145,000
Market and Fair do.	...	...	65,000	...	65,000	7,000	241,000
Bridges and Ferries do.	...	...	87,000	...	87,000	9,000	490,000
Harbour do.	...	...	1,760,000	...	1,760,000	193,000	20,164,000
Pilotage and Light dues	...	...	691,000	...	691,000	...	...
	9,252,000	3,340,000	4,843,000	11,222,000	28,657,000	3,084,000	58,102,000

(w) Debt repaid is not separated from interest in the Poor Law or Local Board accounts, it has therefore had to be omitted here.

(x) The amount of interest on debt and debt repaid in counties has been rateably divided between the objects of expenditure in the first and second divisions, loans having been seldom or never required for either of the other minor purposes. Debt repaid is here included in expenditure, since loans could not be excluded from receipts.

(y) The sum is taken from an estimate given in the *Times* of 3rd July, 1872, and founded on the number of lunatics chargeable on the 1st January, 1870; but it is probably below the amount paid by boroughs, who make no mention of this expenditure in their accounts.

(z) These miscellaneous totals include salaries, the accounts not distinguishing what proportion of these are chargeable under other heads; they include also the cost of paving and street repair, undistinguished by urban authorities, but properly chargeable under "Traffic."

* No Return appears to give the amount of the City of London's debt; it has been estimated to be not less than three or four millions.

expended in the repression of crime by means of police, gaols, and the general administration of justice, amounted to 3,340,000*l.* A variety of payments connected with the maintenance of interna and external traffic, including expenditure on roads, bridges, harbours markets, and pilotage, amounted to the sum of 4,843,000*l.* The cost of the varied public and sanitary works constructed by local authorities for the preservation of health and the improvement of property was 11,222,000*l.* The expenditure in the first two of these divisions was for national purposes, and amounted to 12½ millions. The author directed attention to the fact that the control of this expenditure was partly in the hands of elected and non-elected local authorities, and partly in the hands of government departments, who regulated the expenditure by virtue of their own orders or of the terms of general statutes. He showed that frequently the real control lay with the Local Government Board or the Home Office, and that the action both of guardians and magistrates was in great part ministerial only. The author specially pointed to the limited area for which the bulk of local taxation was drawn, 79 per cent. being raised by rates levied in respect of the occupation of a single description of property. Nearly 11 millions of the 12½ millions devoted to national rather than local objects were provided by rates, while six millions only of the sixteen millions of really local expenditure were so derived. Rates, therefore, were not merely contributions in fixed proportions towards voluntary works of local improvement, but to a great extent taxes employed to relieve some of the legitimate expenses of national government. The case of those who complain of the incidence of rates may be thus summed up: We contend that it is unfair that four-fifths of the local taxation of England should be levied from one sort of property, especially when that property, as measured by its income, cannot form more than one-sixth of our national wealth. We contend that even did rates fall on the occupier, the rental gauge would be no test of taxability. We contend that many of the objects for which local taxation is levied are strictly imperial in character, or are largely controlled by imperial officials in the interest of the community, and ought to be charged to the imperial exchequer, or largely supplemented by the State. It should be clearly borne in mind that the chief grievance now lies in the imposition on localities of the cost of national duties, and the raising of the funds required by taxes on the production of food and the provision of shelter, while the inequality of the present ratal system, even for purely local duties, is a secondary cause of complaint. The objections urged against the proposals to lighten the exceptional burdens on land and houses were then dealt with, and it was pointed out that a thorough investigation of comparative taxation was confidently demanded, but it was necessary that it should be conducted with a fair, judicial, and acturial spirit, and not undertaken from the point of view of any political party, or in the interest of any particular class. The argument that real property was more lightly taxed here than elsewhere could not be used till the relative amounts

of real and personal property in this and in other countries were contrasted. It should be noted, however, that Mr. Goschen, in his recent report, shows that England stands alone in raising nearly all the local taxation from one description of property, and that while she laid 79 per cent. of her local taxes on real property, in Holland but 14 per cent., in Belgium 17 per cent., and in France 27 per cent. was so derived. The increase in value of rateable property in this country is in great part due to the rigidity with which assessments had been screwed up by the operation of the Union Assessment Act. Where this was not the cause, it is in no small degree due to the investment of personal capital in improving land, or building houses, or constructing railways; and to plead in bar of relief the past efforts of owners, tenants, householders, and ordinary railway shareholders, and by continually adding new taxation to penalize such useful employment of capital, can be hardly termed either fair or politic. Turning to the remedies proposed, the author quite concurred in stigmatizing as impracticable the rating of stock-in-trade, and indicated the difficulty of any direct local assessment of personalty. The unpopularity and unfairness of the existing income tax militated against any attempt to resort to an increase of that tax for redress. He pointed out, as deserving careful consideration in dealing at least with strictly local rates, the system of a graduated classification of rentals now employed over one-third of the rateable area of Scotland, by which a much nearer gauge is obtained, especially in mixed areas, than a rate on rents, irrespective of the subject rented. It had been also proposed to effect relief by dividing all rates between owners and occupiers. Whatever be the advantages or disadvantages of this scheme, it is no remedy for the undue pressure of local rates on real property, for no mere legislative juggle of collection can ultimately alter their incidence; while the clerical tithe-owner, the yeoman, the prudent member of a building society, and the compound householder, would none of them receive even the slightest shadow of relief by this division. A mere reform of county administration, although most desirable in itself, was no sort of "remedy" for the grievance complained of in the incidence of rates, only one-fifth of county rates being now controlled by magistrates. The surrender of locally collected imperial imposts and licence duties, if carefully applied, might be useful as a relief to local taxation, but the proposition to give up the house-tax would have been, in its application, impolitic and unjust, affording the greatest modicum of relief to the richest parishes, and stinting the places where high rates and low-class houses (which pay no duty) coexist. Lastly, he put forward the most readily available and practicable remedy which has been propounded, that of which the principle underlay the successful motion of Sir Massey Lopes during the past session—that State control, State inspection and regulation, is the real gauge of nationality of interest, and necessitates a fair equivalent of State aid, and that this relief should be directly given by the Treasury in grants on the principle now in force—a payment for services

rendered to the State from the revenue provided by the entire nation, instead of one section of its property. No more essentially imperial duty can belong to a government than the protection of the lives and property of its subjects, and the anomaly of throwing the cost of this on local areas is generally admitted. That the entire cost of the administration of justice, a larger proportion, at all events, of the cost of police, and at least one-half of the expenditure on lunatics, should be paid by the Exchequer, was the proposition which the House of Commons endorsed by its recent vote; and the justice of the principle here accepted can hardly be disputed, while the present satisfactory position of our revenue seems to foretell a surplus which would render practicable the suggestion without the imposition of a single further tax. The plea that extravagance would result he had already met, by showing that in all these cases the State officials by their regulations now determine the cost of such services; that the issue of grants would be, as now, in their hands; while the control of the local administrators, which now very much resembles that of a regimental paymaster, could hardly be rendered less real than at present. The argument that other portions of the United Kingdom would claim their share of grants from the Consolidated Fund, is a just one; but it must be remembered how Ireland now receives the whole cost of her police, and must be clearly understood that we claim no privilege for England to which Scotland and Ireland would not be equally entitled. The principle that Imperial duties should be paid for by Imperial funds, and that State control should at least be justified by State aid, is a sound one, and capable by further extension of leading to a solution of some of the problems of local taxation reform. We see it acknowledged in the concessions made by the Government last session in the case of the salaries of sanitary officials, and in the minute payments already granted by the Treasury for such items as medical officers' and schoolmasters' salaries. Surely it would be no very extravagant proposal to follow further in the lines thus laid down, and through the medium of Imperial taxation bring to the aid of the one description of property now subject to the whole cost of pauperism, the contribution which is justly due from the large mass of unrated personal wealth, which pays now no adequate tribute to the destitution of those by whose labour it has been in no small part amassed. In any such case the maintenance of local control, where it now really exists, could be maintained, and grants could be received for those parts of poor-law expenditure in which the guardians are merely the mechanical officials of the Local Government Board. Even should this system result in a wider separation of the two portions of our poor relief, now, perhaps unfortunately, combined—that founded on motives of police, and that founded on charity—or even if the responsibility of direct contributions from the Treasury should arrest the advancing centralization which is being developed in Whitehall, the change might be far from an unmitigated loss. From the treatment of the remedies suggested it will be seen that, he urged, as the most readily

practicable redress, the granting of subsidies from State funds in proportion to the State control now existing, that being the measure of the general interest of the community, and this method affording the fairest means of reaching all property. With regard to such local expenditure as must remain local, he urged the fullest possible extension of the rating area, the graduation, where practicable, of rentals before assessment, together with improvement in administration, in collection, and in the forms of accounts and of audit, as portions of a general system of local taxation reform.

Mr. W. D. HENDERSON, of Belfast, pointed out that originally all taxation was mainly local, and that it was rather the State which had absorbed local government than the opposite view that the State was now trying to roll over a portion of its duties on the several localities. Local government would be found on examination to be conversant with questions either of productive expenditure, or of unproductive expenditure; and the former, including improvements, road making, gas and water works, and docks and canals, would almost necessarily be of local benefit, and best administered by a local board. The latter, including the poor rate and police rate, and the education rate, was rather of imperial importance, but was put under local government because it could be best administered by the localities, and because both the poor and police rates had for a very lengthened period been so included. The taxation to support this local government was mainly levied in the counties by a tax on the rental on the value of farms, and it became necessary to inquire who paid such a tax in the case of the poor rate and police rate. Admitting the general principle of political economy that such a tax in theory tended to fall on the landlord, it was, however, not so clear that a portion did not fall on the tenant. Whilst looking to the practical monopoly enjoyed by the landlord unchecked, in the case of beef and milk, and many other commodities, by foreign competition, it did seem that it was only in so far as the extra price checked consumption that the landlord was the loser, and that thus the present tax was paid by the consumer to an extent which was not generally presumed. Coming next to the question of what improvements should be made in taxation, it was suggested that the areas of taxation should be carefully arranged, so as to throw the cost of making improvements upon the lands improved. It was also suggested that some system of a consolidated stock could be arranged, by which the rate of interest paid by local bodies might be permanently reduced. It was pointed out that to find any new local tax would be no easy matter. Local income tax, or an increase of market tolls was almost impossible. The chief value of this substituted tax would probably be, as regards the new burden thrown on land by the school rate, and it was suggested that not merely should the school fees be regulated with a view to diminish the taxation of the county, but the large educational endowments, now so often squandered, should be utilized. As regards the question of local administration, it was

pointed out that the difficulty always had been to get the best men to become members of local boards. The causes of this difficulty were the undue multiplication of local boards, the fact that what some regarded as local honours were not associated with the performance of local duties, and the case of Scotland was instanced where the town councils were permitted to choose the magistrates out of their own number. The formation of new electoral districts instead of adapting the ancient territorial divisions was condemned, and the impolicy of permitting members of local boards acting *bonâ fide* to be rendered liable for errors of judgment was pointed out; and it was suggested that, as in Ireland, the presentments should be fiated before the judges at assize, and that there should be an official audit of accounts by public auditors. It was then stated that what rendered any form of representative government possible, was what might be called the principle of selection, by which the most suitable and able men almost spontaneously get their position accorded to them; that this principle would be found most valuable in the appointment of committees of local bodies, and probably to the formation of school boards where the selection might be made, partly out of the selecting body, and partly out of persons in the neighbourhood who possessed special qualifications. But it was possible to carry this principle of selection too far, and it was strongly urged that the members of the local boards should be elected directly, and not by nomination chosen by the parishes, as had been proposed by Mr. Goschen. It was then explained that the question of the local administrators, such as surveyors, sanitary inspectors, &c., was of great importance, as they would often be in advance of their councils, and should not be exposed to dismissal by the councils for their zeal. This right of dismissal should be in the central board or boards in London. It was suggested that these central boards should include a certain proportion of the chairmen of county boards selected in rotation, but that the proceedings of these boards should, as at present, be private.

Mr. Owen Williams, of Liverpool, followed with a paper on the subject, showing that parties should contribute towards local taxation according to the income, or ability, or profit of each, as is done towards national taxation through the property and income tax. The present standard for measuring taxation, he maintains, is unjust, because those who derive immense profits through commerce contribute little or nothing towards local taxation. When rental of lands, houses, and every other kind of property was selected as a measure for all to contribute towards taxation, the commerce of the country was insignificant. As profits were derived mainly from agriculture, all who had anything to do with lands or other property were assessed, and all, therefore, engaged in trade did contribute. But now matters are much altered. In Liverpool, for instance, a rate of one penny in the pound within the Parliamentary borough for the relief of the poor yields about 7000*l.* per

annum, whilst one penny in the pound for the property and income tax, within the same area, yields about 42,000*l.* per annum. If the property and income tax is the proper measure for national taxation, the writer maintains that it must be so for local taxation, because commerce is much more directly served and advantaged by the purposes for which local taxation is applied than by the taxation paid for national purposes. Then the writer pointed out how the funds raised for the several purposes are disposed of, showing that commerce should contribute in a direct manner towards local taxation; as, for instance, the highway rate. The heavy grinding weights of sugar, cotton, corn, timber, oils, as well as all other commercial products which are drawn over the roads, have a very direct tendency in necessitating high taxes. By reason of good roads products are moved the more rapidly and merchants are the quicker enriched; they should therefore, in the measure of the service received, contribute towards the highway rate. Improvement rates are necessitated by widening narrow roads and laying out new lines of road mainly for the convenience of commerce, not for foot-passengers. Commerce, in a direct manner should contribute to this rate according to the advantages derived. The Watch Rate.—The army and navy are employed mainly in protecting life and property. Towards this commercial men contribute through a property and income tax. The police are employed mainly in protection of life and property; but especially commercial products at the dock sides, in warehouses, in banks, offices, and in motion along our roads. Commercial products derive more protection from the police than from the army and navy, and the merchant class should contribute towards the police rates, as they do through the property and income tax towards national taxation. The Water Rate.—Water in large expensive mains is brought in front of warehouses, &c., where merchandise is stored at a great expense, by reason of which insurance rates are comparatively low, and fires more speedily extinguished. Here is another very direct service, which should be as directly paid for. The Education Rate.—Only a little over one out of every hundred of all who appear before magistrates and judges of the land for all offences, can read and write well. It must be to the advantage of the owners of the valuable products and wealthy classes to have honest persons handling their goods. Merchants, from this point of view, again, should contribute according to their profits towards the education, and library and museum rates. The Poor Rate.—The poor, who work the casual trade of the large towns, are supported in part by wages, and in part by the poor rate. Easterly winds in Liverpool increase the applicants for relief. But this kind of labour is as necessary to the merchant class as are the assistants in offices, who are employed the year round at wages they can live upon. Were the poor maintained the year round the profits at the end of the year would be less to the merchants, and the poor rate would be less in the pound. At present immense profits are made by the merchant and trading classes, but they contribute little

or nothing towards local taxation. Most of the merchant classes reside out of town, and they are assessed, some of them, for their offices simply, whilst the expense to the town in the carriage of goods along the wide, solid, and good roads to and from the large fleets of steamers in Liverpool is something fabulous. Were the local taxation collected on the same principle as that for the property and income tax, a rate of about 1*s.* 2*d.* in the pound would be sufficient for the poor and all other rates in Liverpool, instead of rates averaging nearly 6*s.* in the pound, as at present. All that would be necessary in the change would be that the local authorities should be allowed to collect a rate, to be called the local rates, upon the same assessments, and from the same parties who now pay the property and income tax. In Liverpool, there are persons who contribute very largely indeed towards the property and income tax, and are engaged in the steam and other trades, whose local taxation does not reach 30*l.* per annum. It is so, no doubt, in other large towns as well. At present we have a very rich class and a very poor class, and much of the poverty is caused by the middle and lower classes paying local taxation which should be borne by the rich trading classes.

DISCUSSION.

Sir Massey Lopes, Bart., M.P., thoroughly concurred in the views expressed by Captain Cragie in his paper. He desired, however, to make some general observations. He thought it difficult to determine what rules and principles should be applied to local taxation before they had really determined and ascertained what local taxation was. He contended that at present they had hardly arrived at that point. They wanted first to know for what objects and purposes local taxation was levied and expended, and in what respect it differed from imperial taxation? There was some difficulty as to the term "local taxation," and it seemed to be an anomaly to call it local taxation. One would think by the term "local" that it was taxation levied and expended exclusively for local purposes. The great difference between national and local taxation was this, that the local was for the benefit of the locality, the imperial was for the community at large. They must not forget that distinction. Every one would admit that local taxation, as now existing, was taxation levied locally, but the sum raised was both for imperial and local purposes. The peculiarity or speciality of local taxation was that it was raised from one description of property only, while imperial taxation was raised from the entire property of the country. The total amount of expenditure at the present time was 28½ millions, but of that 12½ millions was classed as national, while 16 millions was local. The 12½ millions was expended upon the poor, police, lunatics, and the administration of justice. He contended that those were national objects. They did not complain of the 16 millions which was expended for local objects. The local authority—the ratepayer—had, to a certain extent, almost complete control with regard to this local expenditure, and the object of the expenditure was really for his own exclusive benefit rather than for national benefit. And the ratepayer, to some extent, exercised his discretion whether a certain amount of money should be raised or not. When they came to the national part of it, the 12½ millions, he contended that there was no control whatever—at least only nominal. The object was universal. The levy was compulsory: it was made absolute and arbitrary by Parliament, and the local authorities had little or no control. Their grievances might be stated in a few words. One was that

the capital was raised from one section of society, but was expended for the benefit of the community at large. They imposed national obligations and responsibilities upon one class of property only, and that for benefits which were for the common weal, and not exclusively for the class who paid for them. They had no control over that expenditure; they obliged them to raise it, but when raised, they had no control over it. The local authorities were the raising authority for the money, whereas the executive were the spending authority. He thought that in that was the great objection of which they had to complain. Their objection generally was not so much with reference to the old rates, but to the new rates. They did not mean to say but that old grievances had increased. The administrators of the poor law had been more philanthropic, and they had imposed additional burdens upon one section of the community. With regard to the extra rate caused by education, the speaker asked whether any one could assign any reason why the expenses of education should not be put on personal as well as real property. If it were a national object, it was for the benefit of the people at large. It was an injustice to fix the expenses of education upon one section of the community. The rate-raised portion of the national charge was 11 millions, but this did not include education, for the cost of that was not taken into account. By-and-by they would have to deal with education, and the owners of real property would have to pay almost exclusively for it, but those with personal property would hardly have to pay anything. If they paid the education rate, and had a 3*d.* rate on 100 millions, it would produce 1½ millions, and he was satisfied in his own mind they would never have education for less than 6*d.* in the pound, and 2½ millions will have to be raised and added to the 11 millions imposed upon them for national charges; they would thus run up to 13½ millions. That was a matter of which they had very much to complain. The grievance was being annually aggravated. They were imposing on the landowners an increased property tax, which was nothing more than an income tax, which was greatly increasing. They said there was a grievance with reference to the occupation of lands and houses. Occupation was not, as formerly, a fair index of a man's fortune or ability to pay rates. Such might have been the case when land was the only property in the country. At present only one-sixth of the income of the government was derived from personal property. Land was now only a fractional part of the nation's wealth. Personal property had now sprung up, and everybody with an income from personal property should pay for those national charges which they called national responsibilities and national obligations. Mr. Purdy calculated the profits of trades and professions alone from 1815 to 1865 (fifty years) to have increased 212 per cent., while rental of land had only increased 36 per cent. in the same period, and yet the land rates had increased in the interval from £8,000,000 to £16,000,000. They were told by Mr. Gladstone that, partly on account of convenience, and partly on account of antiquity, the greater part of imperial taxation was placed upon personal property, while the greater part of local taxation was placed upon real property. But what were the arguments here? Two: convenience and tradition or antiquity. In these days of reforms they ought not to say much about antiquity. Antiquity had not saved the oldest rate, viz., the Church rate, or the Irish Church, which was as old as the law of Elizabeth, and no one in these days would attempt to justify an injustice on the plea of convenience. He denied the correctness of the assertion that the balance was equally adjusted between taxes paid by personalty and rates paid by real property. He challenged the proof of this statement. It was quite true, and they all admitted, that real property paid no probate duty and legacy duty. But, *per contra*, personal property paid no land tax, and had transferred to real property the portion which was formerly imposed upon it. Real property also paid house tax, and a much heavier income tax than personal property, as it paid on gross valuation and not on net receipts. It must also be remembered that real property paid succession duty instead of legacy duty, and that real property (land or houses) when leasehold paid probate duty, and that personal property when in settlement paid succession duty and not legacy duty. If these differences were considered and adjusted, he believed the balance with respect to imperial taxation would be almost even; but admitting, for the sake of argument, that the owners of real property had the

advantage, what would justify their being called upon to pay 15 per cent. more than the owners of personal property? They were again told that although their rates had increased, their rents had increased in the same proportion; but it was not land that had increased so much as houses, and he contended that although land might have increased in value, it was very hard that a fine or toll should be put upon it, and not upon any other kind of property. They were further told that land increased in value without any effort on the part of the individual, and that the State, therefore, ought to have the benefit of the increment, but the assumption upon which the assertion was based was fallacious. What would a great deal of the land be if it were not for the investment of labour and capital in it? The rent of land consisted of two parts: the natural produce of land, and that from personal property invested in it. The natural products of the land on Dartmoor were nothing, but if they put any personal property on it some amount of rent would be produced. They were told it was necessary to have local control and local administration to keep down expenditure. This was a good argument with respect to local objects, but here we had no grievance; but with reference to national objects the Government had the whole control; that of the ratepayers' was a sham and a delusion. Again, they only asked for grants in aid, and therefore the same incentive to economy would exist. He did not propose to rate stock-in-trade or personal property, as he knew it was impracticable; neither did he advocate a national poor rate. He was for reform, not revolution. He proposed to classify rates, determining which were really local or national, and to extend a principle already admitted and acted upon, viz., grants in aid from the national exchequer to supplement national charges. He particularised more especially as national the administration of justice, police, and lunatics. He considered this proposal a modest and moderate one, bearing in mind that real property, besides paying one entire half of police and lunacy, would have to pay its quota towards the other half from the Consolidated Fund. He contended that if the Government paid one-half there would be a guarantee that money would not be spent by either party unnecessarily or improperly. Division of rates would not solve the difficulty or in the slightest degree alleviate the present injustice, it would only be shuffling the same amount of burdens on the same description of property. He had always advocated county financial boards, but they would be no efficient remedy for our grievances. With reference to local administration, there should be in his opinion one collector and one collection for all purposes, one and the same valuation for poor and county rates, one consolidated rate for all purposes, with a demand note showing total amount of requisition, particularizing the objects and the rate in the pound for each object, instead of a special local authority and local rate for every sort of local expense. The number of rates and rating authorities now was legion, and the whole system was wrapped up in obscurity. The present system of local taxation was inequitable and indefensible, it was full of anomalies and incongruities; it was not worked out on any settled principle, but only regulated by convenience and special emergency. The principles which he would lay down were briefly these: That taxation for national objects should be defrayed from national funds, and that State control can only be justified by State aid. This was a question of political economy rather than of politics, and for this reason he considered that this subject was very fitting for the consideration of the Social Science Congress, and he trusted that when the question came before the Legislature that it would be dealt with on its merits alone, and quite irrespective and independent of all party or politics.

Colonel OLDFIELD wished to call attention to the evidence of local taxation on the unskilled labourer working at the lowest wage. While we professed a desire to see him improve his house, we at the same time discouraged his doing so by taxing every improvement he made. It was said that the tax ultimately fell on the landlord. If that was the case, then it should be paid directly by the landlord. But the fact was that the house, irrespective of the land it stood upon, was the product of labour and capital, its value consisting in the amount of work and money expended upon it. What proportion, then, did the rent of an unskilled labourer's house bear to his means of subsistance? Say the former

was 2*s*. 6*d*. a week; and the latter, on an average throughout the year, 10*s*. or 19*s*. On the other hand, the rich man, with his 1000*l*. a year, paid 100*l*. for an unfurnished house.

Mr. Botley believed that any attempt to tax personal property would end in a failure, as it had done in America. If such property were once taxed, he did not know where the principle would stop. He contended that the value of land in the neighbourhood of towns, cities, and ports, was increased not by the landlord, but by the enterprise and skill of the tenant. He did not think that land was unduly burdened in the taxation of the country.

Sir M. Lopes explained that he proposed to tax neither personal property nor stock in trade.

Mr. Collier (Plymouth) viewed the question in the light of one set of taxpayers, having peculiar grievances of their own, sought to be relieved at the expense of other taxpayers. Sir M. Lopes had not given a good solution of the difficulty. When he said that the poor, police, and lunatic rates were for national objects, everybody would agree with him in the sense that almost every local rate had a national object in it. But the question which Sir M. Lopes had not answered, was, what should be properly called national objects and what local? It was a hardship for a person living in the country to be called upon, through imperial taxation, to contribute towards the maintenance of lunatics who were produced in the exciting centres of industry, such as Birmingham, Liverpool, and London. For that reason he considered the cost of lunacy should be localized, and not cast on the nation; and so with regard to the police rates, inasmuch as the small country towns were comparatively innocent of crime. It was in the large centres where crime was not only taught but fostered to a most alarming extent. With regard to the incidence of the poor rate, he could not agree that it fell heavily on the landowner; for he believed it came principally out of the pockets of the working classes, since it appeared that, while wages were high, the poor rate was low. It was said that the ratepayers who contributed to local taxation also contributed to imperial taxation. So he did, but all the other taxpayers were subject to local and imperial rates, since they had to contribute in the shape of rates on their houses, which in some instances were heavy. He agreed with Mr. J. S. Mill that the house tax was as fair a tax as any could be. A local rate on business premises was not an unfair mode of taxation, because you could, and did, levy it again on the consumer of your goods. In regard to land, local taxation on land fell upon the owner, excepting the poor rate, which fell mainly on labour and the labourer, and only a modicum of it on the landowner. He maintained, therefore, that, on the whole, local taxation was fairly and properly levied, and that the landowners, who now complained of the burden that, they said, fell unduly upon them, had made out no case for redress; for were the relief they asked conceded, it would only be taking a burden off their shoulders and putting it on those of other taxpayers who ought not to bear it. Moreover, many rates on land benefited the land by increasing its value. Roads, in proportion to their use, increased the value of land, since they were available, as they were necessary for the conveyance of farm produce to market. As to real property, his contention was that the value of it, independently of improvements on investments, was increased merely by the growth of population and wealth, the increased cost of provisions, and the kindred causes.

Mr. T. Hare (London) protested against some of the principles introduced by Mr. Scott's paper with regard to future constitution of local government bodies. The incidence of taxation ought to be first considered, since it had reference to all new organizations, such as the school board, which imposed a new rate; for it was of great importance that no rate should be imposed through those bodies unless it were for objects purely local. With regard to the history of the question, was it not a fact that all land purchases and investments had hitherto been made under the constitutional belief and satisfaction that all these charges were charges upon the land, and that they were, from the first, intended to be so. That would put the question on a different footing, with the object of doing justice. For instance, the land tax was not a tax in the ordinary sense of the word. It was imposed, immediately after the Restoration, as a charge on behalf of the Crown in relief of the Court of Wards and Liveries. A discussion took

place in Parliament at the Restoration as to the method by which the tax should be imposed, and the result was that certain contributions were levied in every county. Throughout the French war the commutation went on to a great extent, the landowners commuting here and there, and not in every parish. In constituting local government boards, property should be fairly represented upon it. There ought to be a direct representation of all owners, according to the rateable value of their property. On a county board, say ninety members, thirty of them should be elected directly by property owners. Supposing property to the value of 3,000,000*l.* were to be represented, every 100,000*l.* of it would elect one member, making thirty members elected in that way, while the remainder must be returned by the occupiers through the ordinary system of voting. Mr. J. S. Mill, in his treatise on Representative Government, held that property should be fairly and distinctly represented, and not individuals only.

Mr. A. Pell, M.P., impressed upon the section the necessity of not losing sight of two great divisions which Sir Massey Lopes sketched out—that local taxation which admittedly had reference to local objects, and that which related to imperial objects. The repression of pauperism and crime, and incidentally the maintenance of the police, were matters in which the public generally, as well as a particular locality, were concerned. Rates required for these objects should not be confined to one description of property, or levied exclusively on one or two classes of the community. Every individual in the nation should contribute in proportion to the benefit derived, and whether the contribution be in part made locally under local assessment mattered not. Inasmuch as particular localities were specially concerned in the proper administration of the expenditure, much of the requisite fund would still certainly be locally collected, and the term "Local Taxation" would apply to such cases. But rates would have to be levied for objects of a totally distinct character, and where local improvement or convenience became the grounds for their imposition. The two classes of objects were often confused, and it seemed to him that this confusion would be lessened (if not avoided) by giving some name to this latter class of rates expressive of their character. He would suggest the term "communal" or "co-operative," as expressive of a method of carrying out a work by common contribution—which might well be done in urban communities, but which in a scattered population would be more economically carried out by individual design and action. Referring to the effect of "composition" in rating, he believed that though "compounding" led to a more easy and rapid collection of rates, still he doubted it being economical, the per centage allowed being, he believed, more than would provide for the cost of ordinary collection. But the indirect consequence of this system he held to be very serious. The increase of rates, the new objects for which they were levied, were never forced on the attention of the masses by the call of the rate collector. Merged as they are in rent—which with the increase of rates will certainly be raised by the compounding landlord—the householder has no real sense of the injustice he has to submit to, and probably censures his landlord for a demand which, under the name of rent, he is really making only for increased rates. Some readjustment of local burdens was wanted, and as there appeared to be some difficulty as to the method of that readjustment, he assumed that the plan suggested by Sir Massey Lopes in his speech in the House of Commons was the most feasible that could be hit upon.

Mr. J. A. Jones (Liverpool), entirely agreed with Capt. Craigie on this question. He did not think landlords had any ground of complaint with respect to the burden of taxation on land. The tendency to remove taxes from the local to the imperial ratepayer was open to this objection, that there was hardly a single local tax which had not an imperial bearing; the difficulty was to distinguish between the two classes of taxation, and any attempt to remove burdens from the local to the imperial exchequer, where it appeared that the tax had an imperial aspect, would inevitably lead to the removal of the whole of the local taxation of the country to the shoulders of the nation. It seemed to him that the land owners were the persons who derived the greatest benefit by far from local taxes. Take away these taxes, and the result would prove to be such an insecurity for property in the country as would force down rents to a very low point. There was one proposition in Captain Craigie's paper which he

must object to. It was that there should be something suggested better than the octroi—some mode of levying taxes on commodities, not only locally but towards the imperial exchequer. It was a well understood doctrine which lay at the foundation of every scheme of taxation, that a tax should be put, not on the process of making wealth, but upon wealth when it was made, or otherwise it would be found to act as a check on the consumption of commodities, enhancing the price of them beyond the amount of the tax, and, at the same time, taking out of the taxpayer's pocket more money than was requisite for the purposes of good government. From the experience of the country on this question during the last twenty-five years, he drew the conclusion that the best way of raising the value of land, and of lessening the burden of taxes imposed on the community at large, was to set trade as free as possible, in order that the wealth producing power of the nation might be left so to work as to enable the nation to bear, with the least ground for discontent, the burdens imposed upon it by the Government.

Mr. C. S. Reed, M.P., said, with regard to land tax, it should be borne in mind that formerly it was not confined to land, but was also payable upon income; and that now, although a parish had to pay a certain amount of land tax, it was reassessable every seven years. Consequently, the very moment you applied personal property to the improvement of your land, thereby cheapening food, all the local rates, and imperial tax as well, pressed upon that personal property, which paid no rates formerly. In reply to the remark that in consequence of the land tax, and also those rates, having been inherited, they must still remain a burden on the land, he might say that the few acres he possessed happened to have been bought previous to the abolition of the protective duties, when there was a protective duty not on corn alone, but on meat also. In that case, he did not see any reason why one should not be repudiated as well as the other. Nor could he accept the argument that, because of the increased price of meat and milk, which it was a mistake to say the foreigner could not compete with, the land owners had been recouped. The gentleman who said so much appeared to forget what made the case altogether a different one, that money had decreased in value, and that, as a sovereign would not now buy the same amount of meat it did years ago, neither would it buy the same quantity of land. Let the county of Norfolk be put in the position it occupied at the beginning of the present century, the natural value of land there would be little more than it was now, if the former value of money, and its present value were taken into account. Mr. Botley had mentioned the case of a nobleman who, no doubt, let his farm on a long lease, and at a reasonable rent, whose tenant improved the estate by the investment on it of personal property. It would be admitted that the moment the tenant did that there was an assessment, but in all probability the landlord let his land at something like 2 per cent., and therefore foregoing at least 1 per cent. during, say, twenty or forty years, he was legitimately entitled to some increase of the value the land might have attained. There was a gentleman in the room from Norfolk, who migrating from the east into the far west, there bought an estate, and had merely improved it. No doubt he had spent altogether some 20,000*l.* in improvements, and as long as he kept that money in his pocket not one sixpence of it contributed to the rates. The real value of Dartmoor, its intrinsic value for farming purposes, was about the same now as it was twenty-five years ago. Most of the preceding speakers appeared to regard this question as a contest between land and houses; but it was not so, being a question more for the houses than for the land. Land comprised one-third of the entire assessment of the country, and houses and buildings the remaining two-thirds; therefore buildings had more interest than land in a readjustment of the burdens. It was said that a house in itself might be taken as a fair criterion of a man's income, That was all very well in some cases, but what was required was the classification of the different properties: putting the house at the full value, farm buildings at a reduced value, and the naked land at a farther reduced value, and then justice might be done. Nothing had yet been said of what he considered the greatest hardship of all, and that was the pressure of the rates upon cottages. Nobody appeared to speak in favour of them. Some persons had adduced, or tried to adduce, as a fact, that

wages were lower in consequence of poor rates. During the sittings of that congress it had been contended that poor rates in towns were less than poor rates in the country. The case brought forward was that the rates paid at Swindon, a town created within the last twenty-five years or so, were lower than they were in some of the agricultural districts. He did not pretend to say what the rates were in Devonport, but he should imagine that in Plymouth they were tolerably high. Norwich, and other provincial towns, paid a much higher rate than the country places did. Therefore to contend that the higher the wages in towns the lower the poor rates, was altogether a fallacious argument. Though the agricultural districts produced the labourers, they migrated to the towns, and the towns made the paupers rather than the country districts. The consequence of that migration was, that while the towns got the best men, the country had only the old, decrepit, and lazy people left.

Mr. Raper (Manchester) said that after many hours' search he had failed to see where the line of demarcation between national and local taxation was, and he had hoped the section would have arrived at some conclusion, so as to help the Government to the solution of the difficulty. For no doubt Mr. Gladstone was preparing materials for a Bill, and the Council of the Association might have afforded some assistance by passing a resolution on the subject. He thought a line might be fixed; as, for instance, the formation of a school board, being a local matter, it was not right that a locality that had provided itself with the proper requirements should be called upon to help to pay for one that had not. As a general principle, we should get at the objects of taxation with the lowest possible expense to the community; and to effect that result we must have an administration that would sustain the motives for keeping down taxation. He agreed with Mr. Collier that the crying centres of crime should not be helped to pay their taxes. "S. G. O." of the *Times*, called such places "guilt-gardens." Then let those who cultivated "guilt-gardens" pay their own rates, without assistance from persons who had no participation in what really created the increased taxation. The people should have power given them to reduce that taxation. In the House of Commons, Lord Claude Hamilton stated that in Tyrone, the county he represented, they had succeeded in reducing the amount of the poor rates very largely. They found out that public-houses caused poor rates, and they acted accordingly. What was wanted was a full representation of public opinion, minorities also being represented, on the plan suggested by Mr. Hare. To a board so constituted, he would give power to remove causes of taxation; and the closing of public-houses would do that most effectually.

Mr. Holly (Okehampton) said, the question turned simply on the propriety or justice of equalizing the burden of local taxation upon all kinds of property, so that the man with an income of 200*l.* a year should pay just twice as much as the man who received 100*l.* Mr. Botley said the value of land had increased irrespective of any outlay on the part of the landowner. That was a mistake; for any landed proprietor who had money in hand was only too glad to improve his estate, if he could get 5 per cent. interest on his outlay. He had, himself, known landed proprietors who scarcely got 1 per cent. interest on their improvements, and who, besides that, totally sacrificed the fee-simple of the land. What with buildings and other matters, the total rental of one farm of 600 acres did not pay 5 per cent. on the outlay in improvements. These cases, he thought, sufficiently showed that Mr. Botley was in error when he stated that the value of land had greatly increased without outlay on the part of the owner. Another speaker said it was quite impossible to bring personal property into local taxation, since, as he said in a figurative way, you would have to take household furniture into the reckoning when you wished to impose the tax. If the Government had the means of raising a revenue of 20,000,000*l.* a year, it was within their power also to raise the amount of local taxation; and he would leave it to their discretion to discover the best way of getting the money consistent with equalizing the burdens of taxation on all kinds of property. The poor rate did not diminish the cost of the farmer's outlay for labour, nor did it in any way act as a subsidy in his favour. The payment of poor rates simply meant so much in addition to the payment for labour. With regard to roads, certainly

the farmer had the advantage of good roads to take his produce to market: but had not the town's people a similar advantage, since they could not have the produce without that means of conveyance? They had, therefore, as much reason to contribute towards the expense of repairing those roads as farmers. It was also said that the increased value of common land was much greater than that of other kinds of property. The fact that the income of the country was 700,000,000*l.* a year, while real property was assessed at over 100,000,000*l.*, proved that the great increase was in other property than landed or real. It was unfair to represent that the question was confined to the landed interest alone. It was manifestly unfair that the man who had accumulated 5000*l.*, and built himself a house, should be made to pay a tax upon it, while the man who invested a million of money in the funds, or in foreign property, but lived in furnished lodgings, escaped the burden altogether.

Mr. T. Strange (Hereford) considered that, when the agricultural classes paid one-fifth of their income in rates, and the rich only one-tenth, some remedy ought to be applied. With regard to pauperism, it had been stated that where there was one pauper in towns, there were two in the country. That showed at all events, that the migration of surplus labour from one part of the country to the other tended to equalize taxation.

Mr. Holyoake (London), who had a paper on the question, intimated that it would be unnecessary to read it, as it was to the same effect as Mr. Raper's speech.

Mr. A. P. Prowse (Plymouth) believed that such discussions as the present did not embarrass legislation, and that the Social Science Congress might be instrumental in affording information for the guidance of Parliament. In considering the charges for the poor, those which had reference to the health of the community ought more properly to belong to national taxation than to local. He was glad to hear the President of the Health Department (Dr. Acland) insist, in his address that morning, that it was a national duty to look after the health of the people. When a labouring man, who had scarcely enough to maintain himself, fell ill, and his family were thrown upon the parish, it appeared to be to the interest of the nation that it should get him restored to health as speedily as possible. The charges upon the poor were extremely heavy in this country, but in Ireland they were very light, owing in a great measure, he believed, to the introduction there of the dispensary system; and he was satisfied that, were the system also introduced into England, great benefit would result from it. But, in order to have proper medical officers, their appointment should be taken out of the hands of boards of guardians, and placed in the hands of public officers selected by the central authority in London, viz., district officers of health.

Mr. W. Morrison, M.P., pointed out that the English system of taxation was not scientific, and that therefore it was extremely easy to pick holes in it. He understood that Sir Massey Lopes did not propose to rate personal property, but that a large contribution to local taxation should be paid out of the Consolidated Fund. His answer to that proposition was, first of all, that it did away with local government, because the central office in London, supplying a large portion of the expenditure, would make the local representative bodies their slaves; and in the second place, because it would lead to waste. Even at the present time the sentiment of the country was in favour of greater expenditure, considering how very few there were who were able to rise to that point of wisdom and reasoning, which showed that it was a great kindness to the poor to administer the poor law strictly. He really thought that Sir Massey Lopes had shown a good case with regard to the militia, but that in the case of lunatics and the medical administration of the poor law he had not. He considered also that Mr. Davenport was right in the objection he made to the constant forcing up of local expenditure by practically irresponsible Government officials in London. Until we got strongly constituted local bodies, we should be unable to resist the natural desire of all officials to exalt their departments by forcing up the expenditure. Plymouth had furnished a case in point with reference to lunatics, which had excited a good deal of feeling. Sir Massey Lopes had objected that in levying income tax upon land no allowance was made on account of repairs; but it should be remembered that the same sort of objection applied to the levying of income tax on other kinds of property. For instance, he took a lease of a coal mine, and got so many tons per month; it was

a simple rule of three sum, how soon the corpus of his estate would be exhausted, yet he was not allowed to deduct a farthing for depreciation. A professional man in paying his income tax might deduct his premium to the insurance office, but he could not deduct anything if he had not insured his life, although his professional income might come to a sudden end. A still stronger case was that of a Government annuitant, holding an annuity for say ten years, and who paid income tax on the full amount of his temporary income. The question specially before them, however, was on what principle local administration should be conducted? Assuming that it was to be by some form of representative boards, he would urge, first of all, that the area of selection should be at least as large as a county, and that the board should be small. He believed that the whole question of economy in local administration was wrapped up in the question of electing first-rate men; that the smaller the board the more responsibility there would be upon it; and that the greater honour there was attached to it, the better would be the men who would come forward. It was no use for first-rate men to come forward unless there were some means by which they could be elected on the ground of efficiency, and not upon party grounds. It was upon some system of voting by quotas that that object could be secured; and when good men had been obtained, that system would enable them to retain their seats for years, though in that time they might incur an amount of unpopularity by telling people the truth, or acting contrary to the wishes of a portion of their constituents.

Mr. E. G. DAVENPORT said, the question appeared to him to have been discussed thus far almost entirely from a provincial and a landlord's point of view. As a member of a vestry and board of guardians for one of the principal west-end parishes of London, he should venture to offer a few remarks upon the subject from a metropolitan point of view. The towns were quite as much interested in the matter as the provinces. The burden of the rates on land, and the per centages they formed on the landlord's capital sunk in it, &c., were questions of which little or nothing was heard in London. They only knew two classes: those who levied the rates and those who payed them. During the last fifteen years the poor rate in his parish had doubled in amount, while the general rate had only increased about 2*d.* in the pound. Ratepayers naturally asked why they were called upon to pay so much more than formerly. After looking carefully into the matter, all they could tell them was, that out of the total sum raised, the vestry had direct control over only about one-third. Within the last ten years the sum over which they had no control had increased 50 per cent., while those directly under their control had increased only about 7 per cent., and this with a constantly expanding population. On further investigation they found that numerous practically irresponsible and possibly phantom boards were continually sending in precepts for any number of thousands they chose to claim. These demands there was no power to resist, and they were sometimes made in a most arbitrary manner, local rating authorities being not unfrequently compelled by them to spend much more on different buildings, establishments, &c., than they knew to be really necessary for the requirements of the ratepayers. The conditions to which rating authorities were now reduced was simply that of collectors, without the power of resigning their post. They were the jackals who had to find the prey for the lions of centralization. They got all the kicks which infuriated ratepayers lavished on the system, while these irresponsible boards got the greater part of the halfpence. If this state of things were allowed to continue and expand, men of position, education, and independence would soon be compelled to abstain from taking any part in local affairs, and filling a post which ought to be but little less honourable than taking part in imperial affairs. Thus a fatal blow would be struck at local self-government. Sir Massey Lopes had materially simplified the question by stating that there was no intention to rate personal property. The difficulties in the way of so doing were enormous, and he must confess he had never yet heard any satisfactory scheme propounded. Possibly some plan might be ultimately devised to bring into rating at all events a portion of that large amount of property which now escaped. He would be quite satisfied for the present to see as much as possible of local thrown upon imperial taxation. By so doing many would at all events pay something who now contributed nothing to the rates,

and there would be some one responsible for the way in which the money was disbursed. This brought him to the principal point which he wished to see amended, viz., that for every penny raised some one person or body of persons should be directly responsible to the ratepayers for the way in which it was spent. He was, and he was quite sure his colleagues were, equally prepared to accept this responsibility as far as concerned their own local expenditure, such as sewers, highways, watering, &c.; but he protested against being held responsible for money spent by others, and over which he had no control. Let any boards who wanted money raise it themselves, or at all events tell the ratepayers exactly what they wanted it for; and when it had been spent account to them directly and intelligibly for how it had been expended. He had, of course, only been able to speak from experience of his own locality; but he believed the views he had expressed were in the main those held generally by metropolitan rating authorities. Any relief that could be obtained from the present unsatisfactory state of local taxation would be most acceptable.

Arbitration in the Settlement of National Disputes, viewed in Relation to the Events and Results of the late War. By THOMAS BEGGS.

IT will doubtless be felt by many that the moment, when the nations of Europe are intent upon an increase and reorganization of their armaments, and when the daily journals at home are filled with details of military manœuvres, is not an appropriate one for the discussion of the subject now before us. If, however, the events of the late war are carefully reviewed in connection with the results, and with the history of this century, the conclusion will be forced upon us that the hour is not distant when the question of International Arbitration must be considered by statesmen as something more than a measure to be desired; as one, in fact, of absolute necessity. The minds most hopeful as to the future, those the least prone to look with forebodings or despondency upon the sinister aspects of the times, cannot but perceive that there are grave perils underlying the present apparently brilliant prosperity. These perils may be averted by the wisdom and firmness of those in whose hands power is invested, and by the growth of a healthy public opinion; but it is scarcely possible to conceive that true progress can be made so long as such oppressive burdens rest upon the industry of all countries as are imposed by war establishments. Any material reduction in expenditure cannot be expected so long as it is deemed necessary to keep up armies and navies to the maximum war standard. If relief is to come, it must begin at this source; and therefore it is a fitting time to inquire whether, now that Europe is at peace, some arrangement is not practicable by which disputes could be settled without recourse to arms, and a reduction in armaments effected. The arguments in support of this view are familiar to all who have thought upon the subject; but they receive additional emphasis from what has passed within the last two years, and what is now passing around us. The arguments may be briefly recapitulated. It is contended that large armaments are calculated to excite and keep alive national jealousies; that instead of being preservatives of peace, they are often excitements to war, thus becoming a source of danger

rather than a bulwark of security. After what has passed before our observation within only a few months, they cannot be regarded as a protection against internal anarchy. The Government that enters upon war has now to anticipate two foes: one outside his own territory, and one that has been bred within it: the one an open foe that meets him in the field; and the other one that commences hostilities, without any declaration of war, and waits a moment of failure or weakness to make his attack. It is surely not premature in the present state of Europe to inquire whether a new policy cannot be inaugurated, one that would aim at the establishment of a congress for the settlement of disputes founded upon a well-considered code of international law. No greater work could possibly be undertaken by the eminent statesmen and jurists of the several nations.

It would be quite impossible, even if it were necessary, in the space allotted to me, to enter upon the enlarged field indicated by the foregoing sentences; but it is essential to our purpose to briefly glance at some of its leading features. We must try at least to understand the lessons taught us by the late war in their proper application. That war has added another to the many examples supplied by history, as to the instability of all States where military glory has become the ruling passion. All history is eloquent upon this point, and France has given the latest and most striking illustration. It has rarely happened where so many vicissitudes have been experienced by any one nation, and perhaps none where so many reverses have been crowded into less than a century, a very brief period in the history of a nation. After the battle of Austerlitz all Europe laid at her feet; but she went on, intoxicated by her successes, adding conquest to conquest, until the power she had abused met its death-blow in Russia, and finally expired at Waterloo. In 1814 and 1815, after the struggle of a quarter of a century, during which time Europe was an extensive camp, her capital was twice in possession of the foes her restless ambition had provoked. In her humiliation she still nourished the love of glory. It is reported that the first Napoleon, who had a thorough knowledge of the French character, said, in his captivity, "Whenever I hear of a nation living without bread, then will I believe that the French will live without glory." During her adversity and through all her disasters she clung to the delusion that France must be the ruling Power in Europe. After the restoration of the empire, her energies have been directed mainly to the consolidation of her military strength, and this excited the jealousy of neighbouring States. It was apparent that her army and navy could not be needed for her own defence, as it was not seen that any Power desired to attack her. It was supposed, therefore, that the augmentation of her forces was designed for the purposes of aggression. The attitude assumed by France kept the nations in a state of chronic alarm, and it was owing to her policy that the armaments of Europe were placed upon a war footing. It affected ourselves as much as any other nation. It is a defect of our national character

to take fright at distant, and sometimes at imaginary dangers. In the wisdom of our cabinet, it was deemed necessary to augment our land and sea forces and spend large sums upon our fortifications, and in this outlay the ministry were supported by the press and the people. To be prepared for war as the best means of preserving peace, had become a superstition with us, and it was in vain to urge the simple truism so often used by Mr. Cobden, that if all the nations went on adding to their armaments in the same ratio of increase, they would find themselves relatively no stronger than before. All remonstrance was in vain. The pressure upon the industrious classes in this country and throughout Europe was immense, and the results are now seen in a deep and wide-spread spirit of discontent amongst the wage-receiving class, a discontent which manifests itself in an antagonism to property and the property classes. It is a spirit with which no soldier can measure swords. I will not ask whether the warlike preparations of France were due to the will of the man who, by so singular a destiny, had been called to supreme authority, or to the ambition of those who surrounded him; that among other problems must be solved by history, but this is certain, that every step taken towards the establishment of constitutional government weakened the personal influence of the emperor. It is manifest that war had become an unconquerable desire of an influential class of the Parisians, and of part of the French people.

We cannot follow such speculations at present, but may pause for a moment, to ask what became of all this mighty preparation? After all her efforts to regain and keep up her position as the first military Power in Europe, after a huge outlay in fortifying her capital and strengthening her fortresses, in an evil hour she was tempted to precipitate her forces upon Germany, with the proud expectation of reaching Berlin. In a few months her strongest fortresses were in the hands of the Germans; whole armies, along with the emperor, had to surrender as prisoners of war; Paris was under the horrors of a blockade; and within a year of the date of the declaration of war she had to submit to terms dictated by a victorious enemy, and involving, besides a large money compensation, the dismantling of some of her fortresses, the loss of some of her fairest provinces, and the maintenance of an army of occupation until the ransom was paid. Such is the end of a war rashly commenced, and for which it may be presumed the great preparations spoken of had been made. The loss in its money value defies all calculation; but there can be no doubt that in the aggregate it will amount to more than the whole of our national debt. It has left nothing behind it but seeds of distrust, and, it is to be feared, an intense desire for retaliation and vengeance. A palpable truth lies upon the surface: her armaments became a temptation. Men seldom perfect a machinery that they do not strongly desire to put in action. "How oft the sight of means to do ill deeds, makes ill deeds done."

If the means thus wasted upon her armaments, and in the prosecution of a disastrous war, had been expended upon the improve-

ment of her domestic condition, upon legitimate enterprises, and in the encouragement of peaceful occupations, she would have won a supremacy she can never hope to reach by other means. She might have taken the lead in the arts, as she has vainly attempted to do in arms. This war has left her a fearful legacy; but if looked at in all its results, it will teach her where her true strength lies. If her losses have been immense, so also is her recuperative power; and her resources, drawn from a flourishing agriculture as well as from the variety of manufactures in which she excels, and from an industrious and thrifty population, are almost inexhaustible. There will be a better future for France if her energies can be directed to the perfecting of her institutions, and the development of her several lucrative industries. It is, however, too much to hope that she will be able to forget the past. It is to be feared that she will cherish the desire for retaliation, and will prepare for it. If there was really no grievance to hurry her into the last war, there is now a substantial one. It is not to be expected that a proud and sensitive nation can do otherwise than chafe under her losses and disasters, or that she can avert her longing eyes from her lost provinces. The German was justified in exacting all reasonable guarantees for future peace, but in doing so he has sown the seeds of other wars. The annexation of these provinces has, more than any other cause, left heartburnings upon it. There is nothing upon which a nation looks with greater or more lasting pain than upon the loss of any part of her territory, and the lost provinces will be no gain to Germany, but a frontier ground of jealousy and quarrel. Already we find that France is making great efforts to reorganize her army, and unless better impulses than those under which she has been accustomed to act should prevail, every other passion and pursuit will be held subordinate to one great aim—a death struggle with Germany, and probably only a few years of peace remain to us. Every nation in Europe is interested in averting such a calamity as the revival of war between these two Powers. We do not know how a war may end, for the end has often no relation to the beginning, and a future war may not be regarded as a duel between two great Powers, but other nations of Europe may be embroiled, who had nothing to do with the original cause of quarrel. The commercial intercourse between nations has so much increased, as well as their dependence upon each other, that it is impossible to estimate the extent of war operations, the amount of injury that might ensue, or what results might be expected to follow.

It will of course follow that while France is recruiting her exhausted strength, and reorganizing her armies, Germany will not slumber. She will look forward and prepare for the day of attack, and thus the two nations will look upon each other with suspicion—a suspicion that may at any time break out into open defiance. While these nations are strengthening their armaments, all the other Powers, on the implied necessities of the case, will do the same, and thus an intolerable burden is fastened upon the in-

dustry of every country, increasing year by year. We have now above four millions of armed men in Europe, and without occupying time in estimating the cost of their maintenance, we may roughly form a notion of the heavy taxation this imposes upon other countries by that of our own. The war establishments cost us twenty-five millions per annum, all which has to be drawn from the industry of the people. We have then these huge hosts of men trained to arms—abstracted from useful fields of production, and consuming what others produce, and returning nothing to compensate for what they consume. Is it not then a momentous question whether a saving cannot be effected? The nations are now at peace, and the opportunity is offered of discussing with temper and with due circumspection, the best means of ridding the nations of the calamities of war. It is a somewhat obvious truth that if the leading Powers could be brought to an agreement for a reduction of armaments, such a mutual reduction would be equivalent to the same relative proportion of increase, and a saving would be effected to the great relief of the taxpayers. The fallacy which for ages prevailed, that a nation is not impoverished by means drawn from, and spent among its own people, is too transparent to impose upon the present generation. All expenditure upon objects which yield no useful results, and that does not contribute to rational comfort and enjoyment, is so much waste. We have been slow to learn this great economical truth, but it is beginning now to be understood. If armaments are necessary, then we must reconcile ourselves to the loss and to the damage. If they are not necessary, then every shilling spent upon them is so much waste. No error of its class has been productive of so much misery as the delusion that large sums spent upon the pageantry of courts or upon the glitter of military parade, is good for trade. What is true in an individual case is true of a community of men. A man is richer by what he saves and poorer by what he spends, and so is a State. Every shilling spent upon war establishments is a shilling lost, and every shilling redeemed from taxation is so much saved to the wages fund, out of which all industry has to find its reward. The war establishments of Europe are operating like a paralysis upon the industrial populations.

These are trite remarks, but they seem to be called for at this particular time. There are many disturbances in the social arrangements of all countries well calculated to cause serious thought, if not painful apprehension. Crime, pauperism, and their kindred vices, are still rife among us, and all measures of repression are barely able to keep these evils in check. It is not likely that our remedies will be efficient until we arrive at more definite and clearer views as to the causes, not the immediate or proximate causes, but the less obtrusive and primary ones. As the causes are very various, so must the remedies be varied; but there is a general agreement that all improvements in the condition of the people must have their basis upon plentifulness and cheapness of food, and the removal of all

fetters upon industry. How are these to be attained under the present system? It must not be expected that a toiling population will continue a desperate struggle for a mere existence, while Governments are lavishing away the wealth produced by their industry. There is as I have said, and the importance of the subject induces me to recur to it, a peril before us in the wide-spread and deep-seated disaffection of the labouring classes in all countries. The disturbances in our own labour market is but symptomatic of a feeling of discontent universally prevailing; and whether it appears in the shape of socialism, communism, or trades unionism, it has one common root—the conviction on the part of those who labour that they do not receive a fair share of what they produce. There is, therefore, a jealousy of all institutions, and especially that of property. These men make errors as to the relations of capital and labour, but not much greater errors than are made by those who pay them wages. There is an upheaving of the popular mind; it is kept in motion by an indefatigable propagandism, and there is scarcely a workshop or manufactory in which its voice does not find utterance. Its power was felt in the acts of the Commune in Paris, and by the sympathy expressed towards the struggle of that Commune by large sections of the working classes in all countries.

I feel no apprehension as to the ultimate result, as in all probability the scheme of industrial partnerships which is now undergoing a trial will solve the problem. But a work which cannot be accomplished by law or convention, and which has to meet an infinity of varied and varying circumstances, must be the work of time, very likely of three or four generations. The serf did not rise into freedom at once, and a change which has to alter the vital relation between the employer who pays, and the workman who receives wages, must of necessity be gradual in its operation. The work may be hastened or retarded; it may go on peacefully or by convulsive starts, just as prudent and wise councils prevail among the Governments of Europe. If those Governments are prepared to turn their attention to the social condition of the people, and free them from the burdens now laid upon them, all will go well; but it is impossible to place the industrial classes in the position their skill and industry entitle them to occupy, and at the same time keep up the enormous expenditure that the war establishments demand.

I have spoken of the internal danger from this state of things. Armaments can do nothing, if there be no patriotism in the hearts of the people. We are again admonished by the events of the last war, for we find that General Uhrich, in Strasburgh, and General Trochu, in Paris, met one and the same difficulty, the presence of an internal foe of whom I have spoken. It appears in the evidence for General Uhrich's defence that there were numbers of men clamouring for arms, to whom arms could not be entrusted, as he feared that they might be turned against the authorities—against those who were defending the city against a foreign enemy. General Trochu had the same difficulty in Paris; and in the latter case, after his capitula-

tion, possession was obtained, and held by a desperate body of men, with what result is well known, and a larger destruction of property and a greater loss of life ensued than during the four months of the bombardment. Is it not possible, then, for Governments to pay too much attention to their foreign relations, and to the neglect of the domestic condition? In all capitals there will be found hosts of men without regular pursuits or occupations; men distanced in the competition for lucrative and honourable employment, or impatient of any steady industry; men of education, talent, and address. In times of profound peace there is no scope for their abilities, and they exist in a mysterious manner, unnoticed and unknown. In times of excitement they find congenial, if not profitable, employment, and are among the first of agitators in any political crisis. These men, abounding in large and opulent cities, are the offspring of a corrupt civilization. They flatter the prejudices, and delude the facile minds of the multitude by wild schemes and highly-coloured utopias. Were Berlin, or Vienna, or London in the extremity that Paris found herself in 1871, there are in each city crowds of men who would be ready to take advantage of that extremity, and try to desolate the homes, in the midst of which they had found a shelter. The ruffianism which has been generated by vice and neglect would be only too ready to commence the work of spoliation when the opportunity occurred, and the work of the incendiary baffles all military strategy. It is surely wise to rescue the industrial classes from such leadership as this.

Is there not, then, in all these things a warning, as palpable as that which appeared in characters of fire before the voluptuous king? and do they not point to the downfall of that system which has for centuries been the oppression and the curse of the civilized world? Does it require a second Daniel to interpret the signs of the times? The plans of the Divine Ruler of the world are hidden from our vision; but it is one of his inexorable laws that evil will work its down doom. It is a law as inflexible as the law of gravitation, but the connecting links in the chain that connects the end with the beginning are imperceptible to us. It was certain that American slavery, being an evil institution, would perish, but it could scarcely be predicated that its end was so near, and that its extinction would be accomplished by the red hand of war. Is not the war system of Europe near its end? In the best defence that can be made for it, there is the admission that it secures a good end by immoral means. It is possible that another war might be attended by such general and disastrous results, and such wide-spread ruin as to cripple the energies of those engaged in it, and leave them far behind in the rear of civilization, and powerless ever after. Such has been the fate of all empires building their greatness upon conquest. Is it not wiser to anticipate such a result by healing and precautionary measures? It is difficult, no doubt, but the experience of human progress shows what faith and courage can accomplish when inspired in a right cause, and how the most impossible things have become

possible. Carlyle says, "Every noble work is at first impossible." The dreams of one age often become the stern realities of the next. Is not the time propitious for carrying to the cabinets of Europe carefully considered proposals for the adoption of a new policy? The dangers I have ventured to point out must be apparent to all observers, and the methods to avert them are what it is the business of wise men to consider.

We may now inquire what encouragements there are for hope that an alternative will soon be adopted for the unsatisfactory appeal to arms. I believe the encouragements are many and great, and not the least of these arises from the danger I have ventured to point out, and which statesmen cannot overlook or treat with indifference, the danger of civil anarchy at the hour of the most severe trial. Such a contingency will operate as a deterrent. And again, something has to be hoped from the destructiveness of modern warfare. There is a melancholy satisfaction in feeling that, although war has lost none of its old characteristics, that it is becoming so rapid and destructive in its operations that a resort to it will eventually become impossible. Besides, there are hopeful indications in the growth of public opinion, and that opinion is becoming stronger day by day. It is that which after all determines the actions of Governments. In this country we have outlived many serious delusions. We no longer think it a duty to interfere with belligerent Powers, and are becoming ashamed of the idle phantom which we so long looked upon as a substance—the balance of power. If Great Britain maintains a position of neutrality, her influence over the other nations of the world must be beneficent.

I have expressed strong fears that France, acting upon her old instincts, will brood upon her recent losses and humiliations, with a desire to avenge them; but there are some hopeful indications that a nobler ambition will supervene and stimulate higher aims. The greatest evil in her form of government has been, that all power and influence have been centralized in Paris. The voice of the provinces has always been very feebly heard. In consequence of having no municipal institutions, as municipal government in the sense we understand it, although planted, cannot be said to have taken root, Paris has been France. That city, the most luxurious in Europe, has attracted adventurers and schemers of all kinds, the class of men dangerous in all communities, of whom I have spoken, and the vehement utterances of these men have been taken as the voice of France. Hence her revolutions—hence the recent war. I rejoice to find that attention is now paid to this subject, and that efforts are making to establish local governments throughout France. This will diminish the influence of the capital, but be of immeasurable advantage to the country. If the suffrages of the people could have been recorded, if the opinion of the provinces could have made itself felt, the last war would not have been undertaken. In this, as in most other of our modern wars, the voice of the clamorous and excited minority has been, even in our own country, regarded as the voice

of the nation, and it is well understood that the last plebiscite was successful over the agricultural districts, on the assurance that the empire was peace. Then, again, although in the emergency of finding money to pay the heavy fine demanded by Germany, her governments have imposed taxes upon production that seemed to show a reversal of the free-trade policy adopted during the empire, there are indisputable proofs that the principles of free trade are becoming more and more recognised by her influential citizens, and are even more popular than they were at the time when Richard Cobden laboured to complete the French treaty. We may hope from these and other signs that France will rise purified from the fire through which she has so lately passed, and devote her energies to consolidate her institutions and extend her commerce.

One great encouragement is derived from the vastly increasing intercourse of the nations of Europe, in the pursuits of trade and for all friendly purposes. The best way to break down the prejudices which divide men is to bring them face to face, and to engage them in something in which they have a common interest. The fleets of merchant vessels will in the long run outstrip the proudest navies that ride the seas. The best preparation for the great work that all good men desire to see—a friendship among nations—is to break down every barrier to free intercourse, close every custom-house, and abolish all duties upon exports and imports—in a word, establish perfect free trade. Science and commerce are the great civilizers.

The greatest encouragement, however, is supplied to us by the result of the Congress at Geneva. All speculation as to its award is now at an end, and at length two powerful nations have submitted to arbitration a dispute that once assumed a threatening importance. A dispute, which involved far greater consideration than any pecuniary compensation, has been settled by peaceful means; the spirit of an aggrieved nation has been appeased, and without the aid of the sword. We believe that the settlement will be satisfactory to both countries, and will be hailed with a cordial welcome, not so much for its own sake, as because it is a bright omen of a better future. There are, of course, on both sides of the Atlantic, men who will contend that nothing is settled, because some uneasiness may be left behind, and that the grievance will arise again; but I believe the best men in both countries will determine to make the settlement a final one. The citizens of the United States are of our own race, and speak our own language. They are true descendants inheriting our own most conspicuous merits and defects; and if we have sometimes to severely censure them, and to wince under their censure, it is well for us to remember that we have not always shown them a good example. Those who have conducted the case to so successful an issue deserve the gratitude of the civilized world; and I am sure it will not be considered invidious in an Englishman to single out one name for special mention. I believe we owe the result, in a large measure, so far as this country is

concerned, to the dignified courtesy, the unfailing patience, and the indefatigable perseverance of Lord Granville.

This result is valuable as a precedent, as showing what many people doubt, that arbitration is practicable; but it is scarcely less valuable in teaching us the importance of maturing a code of international law. It is confessed on all hands that what may be called international law is exceedingly loose, and, in the majority of cases, useless, if not misleading and mischievous. My opinion, offered with great deference, in the presence of jurists who have given a life's study to the subject, is, that a system of international law must precede and form the basis of any congress for the adjustment of national disputes. A congress can only be a court of appeal; but in order to give it effect, there must be understood and acknowledged principles, upon which the cases brought before it are to be adjudged. We may borrow an illustration from a cognate subject. In relation to arbitration between employers and employed, it has been very properly urged that it was well for such tribunals to be appointed, but that it was indispensable to their success that there should be some general principles accepted by both parties on which the case was to be determined. It was urged with equal force that the laying down for the guidance of such tribunals a code of well-defined and clearly-expressed rules would often prevent the disputes, which it was the business of such courts to arrange. This will apply to all courts of arbitration. The relations in which the nations of Europe stand to each other, the weighty interests involved, and the increasing risks, from the increasing intercommunication, that injuries may be done, provoking hostilities, and cases of injury of a vexatious and serious kind are not unfrequent, from the negligence, rashness, or inexperience of the officers of the different Governments, render it highly desirable that the laws now regarded as international should be revised by competent men appointed by the several Governments, with a view to their codification and adoption. This code would form the basis of a congress to decide upon alleged infractions. Where the law is clear the duty of the arbiter is seldom intricate or difficult.

It is only now left to us to inquire, if the work be a necessary one and a good one, what we can do to promote it? It would be out of place here to discuss the fundamental principles upon which a code of international law should be founded, or the precise constitution or functions of a court of arbitration. Details of this kind always receive proper consideration at the due time, and much attention has already been paid to them by the Committee of the Jurisprudence Department of this Association. What we have now to consider is this: the best means of bringing the subject before the leading minds of Europe. How can we familiarize the minds of the people with the idea that war can be dispensed with? Some years ago an effort of this kind was made under the auspices of Mr. Cobden, and a body of men were united together under the name of the Peace Congress Committee. Permit me here to correct a mistake which

has been pretty general, and which I have lately seen repeated in the preface to a worthy book, "England's Foreign Policy," that Mr. Cobden hoisted the standard of peace at any price. Mr. Cobden never hoisted any such standard, nor proclaimed any such principle. Mr. Cobden declared in the House of Commons, and at public meetings outside of it on several occasions, that, if it could be shown that any danger threatened England, he should be prepared to take his place in Parliament, and support a vote for the requisite means to place the country in a state of defence. He did not believe that at the time any danger existed. The Peace Congress Committee was formed in order to embrace men, who, while they could not support peace in the abstract, or support any action for entire disarmament, felt that the time had come when the Powers in Europe might be induced to enter upon a consideration of the mutual reduction of armaments. Congresses to forward this great object were held in most of the large towns in England and in some of the capitals of the Continent, and met with great favour and success. The Russian war interrupted their labours.

The programme laid down by that body indicates the policy to pursue. I believe that the public mind is prepared to consider with calmness and earnestness the two great objects contended for by the Peace Congress Committee—the establishment of an International Court of Arbitration, and a mutual reduction of armaments. The exhausting character of the late war, and the sense of insecurity it has left behind it, as well as the insecurity which seems to hang over all Governments and States arising from other causes, favour the discussion. I hope, therefore, that this meeting will not separate without a strong recommendation to the Council of the Social Science Association, to take into its earliest and most careful consideration the best means of bringing before the people and the statesmen of Europe the great objects, the importance of which I have attempted in so feeble a manner to impress upon this audience.

Retail Traders and Co-operative Stores. By JEREMIAH HEAD, F.S.S.

ON the 9th of February, 1872, a deputation, composed of tradesmen from London and the larger provincial towns, waited upon Mr. Lowe, Chancellor of the Exchequer. These persons complained that certain civil servants were conducting a commercial undertaking, entitled the "Civil Service Co-operative Supply Association," and contended, that inasmuch as the State paid for the time and energies of its employes, they ought to devote themselves exclusively to its service. The deputation claimed the right, as a portion of the tax-paying public, to enter a protest against the policy pursued by the Government in this respect.

Mr. Lowe replied in effect as follows :—"Civil servants," said he, "are engaged to do certain work, or to serve for a certain number of hours daily, in consideration of certain salaries. The Government, like other employers, do not find it to their advantage to purchase the whole time, or the entire energies of its employees; and, of course, they have no control over the remainder, which they do not purchase. If civil servants should occupy their own time in such a way as to affect detrimentally their capabilities during business hours, that would be a serious cause for complaint; but no neglect of duty has been proved or even alleged."

As might have been expected, this reply did not in the least degree satisfy or console the gentlemen composing the deputation. They changed front and renewed the attack. It would not serve our present purpose further to follow their arguments ; we may content ourselves with a passing smile at their continued discomfiture. As tradesmen, they were naturally averse to the competition created by the Civil Service, as well as by the many other co-operative supply associations, which are so rapidly growing both in importance and in public estimation. Managed gratis, or nearly so, as such "stores" commonly are, by a committee of the members, concentrating in one focus the custom usually divided among a multitude of establishments, freed from the risks and losses entailed by other than ready cash payments, and practically handing over the profits so enhanced by economical working to their customers, these tradesmen felt that successful competition was impossible. Repudiating—as most of them would have done—the epithet, they were one and all occupying the position of Protectionists, and affording another example of the way in which men will lose confidence in a true principle, if for the moment it seems to operate to their disadvantage.

Retail traders having so recently given public expression to their views, the present seems to be an opportune moment for surveying their position with respect to the general community, and also the position of those rival associations which they regard with so much apprehension.

Let me remind you, in commencing, that we are about to concentrate our attention exclusively on the distributors and not on the producers of commodities. As, however, some distributors are also producers, and as others unite a profession with their distributive functions, we shall find it easiest and best to keep mainly in view such cases as are free from any complication. By the terms "distributor," "retail trader," or "tradesman," let us therefore understand shopkeeper, whose business it is to buy goods wholesale and to sell them retail.

In preferring their complaint, the gentlemen of the deputation seem entirely to have ignored the interests of another class of persons, a class which in number and importance exceeds producers and distributors put together, while it includes them both. I refer to the consumers of produce, who indeed constitute the entire community. If consumers generally obtain any benefit, tradesmen participate in

that benefit. For the value to the community of a tradesman's services is clearly represented by the income he is able honestly to draw from it, nobody paying him except for services rendered, and nobody paying him more than a competitor would require. The only use of an income is in the articles of value it commands, and every income is exchanged for such sooner or later. Hence a tradesman's income represents two things, namely, first, the value of his services to the community; and secondly, the value of what he consumes, actually or potentially, of the produce of other men's labour.

By the showing of the deputation, co-operative associations are able to distribute at a cost less by far than had hitherto been deemed possible. Why, then, should not retail traders spend their own incomes where such advantages are offered? So would they share the benefits which they admit are now within the reach of all.

"But," say they, "if these associations are suffered much further to extend their operations, tradesmen proper will have no incomes to spend." To suggest economical methods of laying out money when there is none to lay out, is simply tantalizing. On the other hand, can tradesmen, or individuals of any other class, expect to be permitted to draw artificial or undeserved incomes from society, which virtually amounts to a taxation of the whole community, in order to maintain a multitude of able men in uselessness? And if special legislation were brought to bear in their behalf, why not also to enhance the value of those other products which they consume?

But, happily, our laws are made by, and on behalf of, the whole community, and there is small chance that majorities will sacrifice the general interest for the benefit of particular sections.

Co-operative stores have not only made a sensation among thrifty housewives and apprehensive tradesmen, but they have also thoroughly awakened the interest of economists.

Nation of shopkeepers that we are, it does not seem heretofore to have occurred to us that goods could by any means be obtained in reasonably small quantities, and with reasonable facilities except at retail shops. The only choice deemed possible was the choice between this or that shop. We have ever felt ourselves quite at home with the shopkeeping fraternity, and while we have smiled at their manœuvres to secure our custom, we have never doubted our power to keep them in check. We have rested satisfied all was right so long as there was plenty of competition. For if A would not not give us satisfaction in price or quality, B or C would; or the very mention of their names would sufficiently stir up A. We have, indeed, often shared our orders between A, B, and C, sending a preponderance to one or the other, according as satisfaction had recently been given, thus keeping each under a constant stimulus. And if D set up a new shop, we have not hesitated to give him a turn also, partly out of sympathy with new beginners, and partly in order to promote increased competition.

And yet, notwithstanding the multitudes of retailers in every centre of population, all desirous of more customers than can be tempted

within their doors, and therefore all anxious to do business with a minimum profit rather than no business at all—notwithstanding all this, we have seen co-operative associations arise, and apparently with ease distribute produce for less than five per cent. addition to the wholesale price, whilst ordinary traders require at least twenty per cent. for the same work.

It becomes manifest then that competition has not had the effect generally attributed to it. It has not brought down the retail at all near to the wholesale price.

Select some thoughtful and candid tradesman, and ask him why he cannot lower his prices to the level of those adopted by associations. He will tell you he could if his circumstances were similar to theirs. That is, if he sold for cash alone; if he delivered to the customer's abode only parcels of considerable value; if he spent almost nothing in advertising or display; if he could command without effort as many customers as he had power to attend to; if he were himself to be content with the salary of a manager and received, perhaps gratis, the assistance of a picked committee of his ablest customers, and if all the capital he required were provided by them instead of by himself.

But instead of finding his customers ready to adapt themselves in every way to his requirements, he finds he would be entirely forsaken if he did not adapt himself in every way to theirs. He must needs forward parcels of the most trifling value; he must advertise directly or indirectly in various ways; he is obliged to give credit, and cannot altogether avoid bad debts; he is compelled to lock up so much capital in stocks and in book debts that he cannot pay cash to the wholesale house whence he buys his goods, and therefore cannot claim the best terms; and with all his efforts the total amount of his yearly turn-over is so small that the difference between wholesale and retail prices is mostly absorbed by rent, taxes, assistants' salaries, and such like "standing charges."

Here we come fairly in sight of the fountain-head of the evil, the true reason why the tradesman, notwithstanding the constant pressure of competition, cannot sell cheaply. The associations being secure of an immense multitude of customers, all willing to accommodate themselves to their somewhat stringent regulations, and being able to supply the needs of these customers with buildings, appliances, and staff of assistants reduced to a minimum relatively to the business done, are able to cut down their standing charges to an unprecedently small per centage.

Standing charges have indeed ever been as the thief of the candle, or as the maggot in the fallen fruit, the source in the whole mischief. Tradesmen have often tried to grapple with them, and often tried in vain. Customers have been found too few and too unaccommodating. It were obviously better to retire altogether than that there should be no hope of reimbursement of even money paid out of pocket.

It is, therefore, evident that competition is operative only in respect of that portion of the cost of distribution which is expected

to be secured as clear profit, and has no effect in inducing the surrender of that more serious portion which must be paid away in standing charges. In short, you may pit shopkeepers one against another until they yield to you all, except the wholesale price of the goods they supply, plus their standing charges, plus their cost of living in some fashion; but that is the limit. He who yields more must eventually disappear from the scene, as is the fate of many hundreds annually, leaving customers to the tender mercies of those who know how to maintain their prices.

The question which here naturally arises is this. If rent, taxes, salaries, and such like standing charges, have hitherto enhanced the value of all articles sold in retail shops, in spite of the really earnest desire both of shopkeepers and customers to the contrary, for high prices tend to limit dealings for which both are anxious; if this be so, does it not seem as if both parties have been hitherto blindly promoting an evil and unsound policy? And is not the mischief apparent in the absurd excess in the number of centres of distribution? In other words, are there not by far too many shops, and if three-fourths of them were abolished, would not the other fourth be quite able to distribute everything now purchased retail by the nation, without difficulty, and at one-fourth the present cost of distribution?

It is not easy to obtain reliable statistics, whereby to prove perhaps to unwilling disciples that shops are far in excess of the need for them, and the exact proportion of that excess. But a rough experiment may easily be made by any person sufficiently enthusiastic to take the trouble, which will serve to some extent to open our eyes. Suppose, for instance, a row of shops to be selected in the metropolis, or some large provincial town. It is not usually difficult in these days of plate glass to see through and through a shop of moderate dimensions, by simply looking in at the door or windows.

A minute's observation will ordinarily suffice to count the customers making purchases at the time, to decide who are actually buying, and who are merely accompanying the buyers, whether the assistants are at the moment fully employed, whether there is an upstairs department, and so forth.

If the interior of the shop be so hidden by the window goods, as to prevent inspection from the outside, nothing is easier than to obtain the requisite information by entering and purchasing some article, or merely asking a price or other question. In case a particular establishment in the selected row be clearly unsuited to the experiment, as would be, for instance, a gin palace, or a wholesale warehouse, or in case the interior of any shop is really so intricate as to prevent ascertaining by any means what is going on, that shop may be omitted.

Now, were such an experiment carefully and patiently made, with a sufficient number of shops, and repeated sufficiently often, a general idea of the average number of customers which each one

contains, at one time, might be obtained, and might afterwards be compared with the average serving accommodation.

Fortunately for those interested in this inquiry a gentleman, who has taken the appropriate *nom de plume* of Peter Pry, has recently made the experiment indicated.

Residing in London he chose a portion of one side of a well-known West-end street, containing 88 shops of various kinds, within half a mile, and which were suitable for his purpose. His first inspection was made on Thursday, February 15, 1872, between, 4 and 6 o'clock, p.m. The weather was fine and dry, and the streets seemed full of life. Though the time of year did not coincide with the height of the London season, yet neither was it the dullest period. The Parliamentary session had commenced, and shopping was probably in a state of at least average activity.

The shops inspected consisted of 23 kinds, namely: — Boot-makers, 8; milliners, 17; pastrycooks, 2; drapers, 6; hardware, 6; musicsellers, 1; tobacconists, 3; tailors, 6; mantuamakers, 3; hatters, 2; jewellers, 5; wine merchants, 1; furriers, 5; hosiers, 4; fancy goods, 5; grocers, 1; druggists, 2; china shops, 3; upholsterers, 3; butchers, 1; colourmen, 1; toy shops, 2; stationers, 1— total, 88.

The number of persons in that part of the several shops devoted to customers, and including purchasers, their companions and children was as follows, each number indicating one shop:—

0 1 0 2 6 0 8 0 0 2 0 0 0 1 3 2 1 0 4 0 2 2
0 0 2 1 0 0 0 1 0 0 1 0 0 0 1 0 0 0 1 0 0 0
0 1 0 2 0 2 0 0 0 0 0 0 2 2 0 1 0 0 1 1 1 0
0 2 0 0 8 0 0 0 0 1 1 0 0 0 5 2 0 1 0 0 2 0

Total 76 persons in 88 shops, equal to ·86 persons per shop.

Mr. Pry's second experiment was made upon exactly the same shops as before, on the following day, but this time between 11 a.m. and 1 p.m. The day was cloudy but dry; the streets did not appear quite so full as before. This is the result:—

0 0 1 0 0 7 2 0 0 1 0 0 2 2 1 0 0 0 0 0 0 0
0 0 0 0 0 0 4 0 1 1 0 0 0 1 2 2 6 2 0 2 0 1
0 0 0 0 0 1 0 0 0 0 0 0 2 3 0 0 0 0 0 0 1
0 0 0 0 1 0 0 0 0 0 1 0 0 1 2 0 1 2 0 0 0 1

Total 54 persons in 88 shops, equal to ·61 persons per shop.

The third and last experiment was made upon the next day, namely, Saturday, February 17, and still upon the same shops. The time on this occasion was between 2 and 4 p.m., or just when shopping is usually most active. It was a fine bright

afternoon, and the streets were very full. The numbers were as follows:—

0	0	0	2	20	1	1	2	1	2	1	1	0	0	0	0	2	0	0	0	0	0	
1	1	0	0	0	2	1	1	0	2	2	0	0	0	2	0	0	3	0	0	0	0	
1	0	0	0	6	2	1	3	0	0	2	2	0	0	2	8	0	0	4	2	1	0	
0	12	0	3	4	1	0	1	0	0	2	0	0	0	0	1	2	2	3	1	0	0	

Total 114 persons in 88 shops, equal to 1·3 persons per shop.

Amalgamating the three averages, we obtain ·92, or not quite 1, as the average number of customers per shop, at any hour of the day from opening to closing.

It must be evident to all, that the average serving or distributing power of each shop cannot but be far in excess of this. The space, seats, assistants, and other requisites are provided in each case to meet times when business is unusually brisk. This never happens to any shop for more than a very small proportion of the hours during which it is open; whereas the accommodation is there throughout those hours, and when there it involves expenditure. Moreover, only a very few of the 88 shops are probably ever under extraordinary pressure at the same time.

Now it would be difficult to find half a dozen of the 88 shops, which were incapable of attending to the wants of three or four customers at a time, whilst some, notably certain large drapers, would hardly be disconcerted by the presence of as many scores. Suppose we take the average serving power at four customers per shop. If then our facts are unimpeachable, and our reasoning sound, it appears that these 88 shops have in daily attendance only one-fourth of the customers to whose wants they have power to attend.

And if the 88 shops are a fair sample in this respect of the retail trade of the metropolis, and of other towns, it seems probable that the distribution of produce to consumers all over the country might be effected with one-fourth the shops, that is one-fourth the rents, taxes, salaries, and other standing charges now absorbed.

It will, no doubt, be urged that this is aiming at too great nicety. The accommodation of individual shops cannot in practice be limited so as to correspond with the average number of customers, of all shops, throughout the year. There must be a margin allowed, in order that business may be transacted extensively and rapidly whenever it may suit the convenience of customers to pay their visits. A West-end draper's shop, capable of affording accommodation for one customer only at a time, would be a strange spectacle indeed. And so would be a separate railway train for every passenger desiring to travel.

If very extensive, but at the same time routine, business is required to be transacted with celerity, certainty, and with a minimum of cost, it is absolutely essential to concentrate it into few foci, and to avoid dispersing it over a great many.

It is only so, that the high development of system upon which modern civilization so much depends, and of which our postal system is a noted example, becomes possible.

Co-operative supply associations seem destined to bring relief from a burden which has long pressed heavily upon the community. Hence their astonishing success. They have an educational effect, just as the railway and the postal systems have had. They make their members realize that there is a solid advantage to be gained when multitudes will consent to unite and intrust the supply of their similar wants to centralized organizations, throwing aside individual crochets, and willingly conforming to regulations imposed for the common good.

It has been already shown how that consumers generally have habitually encouraged the multiplication of shops from thoughtlessness, or a mistaken notion that such was their interest. It is my duty now to direct your attention specially to the influence produced by certain practices of ladies in shopping, for here as elsewhere their influence is greater than perhaps they are aware.

A paterfamilias, with whom I have had occasion to discuss some of the questions now before us, has placed his experience at my disposal; and he is strongly of opinion that his case is by no means singular.

How that may be I am unable to say, but I have no hesitation in vouching for the accuracy of any statement he may make. Paterfamilias is the head of a moderate-sized establishment. As is usual, he intrusts to his wife the laying out of that portion of his income which is needed for household and family requirements. He considers his wife is as good a manager as educated ladies of the upper and middle classes usually are.

Being struck with the idea that his family supplies had proceeded from an unnecessarily large number of sources, he disenfiled and re-examined his bills of the previous year, and found that he had dealt, more or less, with 10 drapers and milliners; 1 butcher; 4 druggists; 5 dairymen and poulterers; 3 wine and beer merchants; 8 greengrocers; 3 ironmongers; 5 grocers; 4 bootmakers; 2 fishmongers.

Paterfamilias anticipating scepticism on the part of some, and accusations of unusual bad management from others, suggests that such objectors should first go home and wade through their own bills, and that they may then possibly alter their opinions.

But assuming this, which is really a true case, to be an indication of the manner in which family patronage to tradesmen is not unfrequently dispensed, we find a habit of diffusion instead of concentration. Instead of hundreds of buyers converging to procure even dissimilar articles at a single depot, we find single buyers gleaning their supplies in a hap-hazard manner from various scattered sources. If customers would but refuse to divide their custom, or to divert it from such establishments as were, in each several case, really most favourably situated for distributing efficiently and cheaply, they

would so contribute to secure the greatest ultimate benefit to the community, as well as themselves. Tradesmen unfavourably circumstanced, whether as regards locality, management, premises, or capital, and comprising the three-fourths excess previously arrived at, would soon disappear, making it possible—and at present it is not even possible—for the remaining fourth to distribute as cheaply as the associations.

When Paterfamilias inquired of his wife why she had dealt, at the same time, at so many similar shops, she replied very naturally that certain articles were to be had best or cheapest at this shop, and certain others at that. Besides, she added, it is but neighbourly and right to support the tradesmen of one's own locality, and patronage ought to be fairly distributed among them. And lastly, she argued, for though ladies are sometimes unable to give a reason for what they do, they are able at other times to furnish a great many; lastly, this man was always so civil, and that one was such a good churchgoer, and the other had to contend with a large family and ill health, &c.

Just as well-meant, but injudicious almsgiving, is now recognised by all thoughtful men, as creating the ills it seeks to remove, so it is to some extent a false sentimentality which subjects all consumers to a tax of 20 per cent., where they ought not to be taxed more than 5.

Far be it from me to look upon tradesmen, or men of any other class, as mere social machines; but it is one thing to admit a claim for pecuniary assistance, on the ground that the applicant is a distressed fellow-creature, and another to admit a claim for 15 per cent. more than the value of an article, on the ground that there is any public obligation to support more distributors than they needed; and especially since there is a constant outcry for more producers.

But to resume our examination of those feminine habitudes, which affect to some extent the cost of distribution. Redirecting our attention to the list of 88 shops, we at once observe a great preponderance in the number of those which are devoted to the supply of ladies' clothing. For instance, the half-mile row includes 17 milliners; 3 mantuamakers; 6 drapers; 5 furriers; total 31. Whereas those which minister to the similar wants of men are only as follows: 6 tailors; 4 hosiers; 2 hatters—total 12. The difference between the two totals is at first sight surprising, especially when it is remembered that the former amount includes some drapers' shops of palatial dimensions.

A lady's wearing apparel is usually more complex and expensive than that of a gentleman, and also more liable to variation from changes of fashion. Moreover, the ladies' shops undertake the supply both of house linen and of clothing for young children. These circumstances account in some measure for the observed difference.

But there is yet another reason, and that is the absence of method, but too common among ladies when purchasing supplies. Laying out money advantageously is an art requiring education, just as does any other art. Those who can bring to their aid systematic habits, forethought, and experience, are likely to do it well. Those who

cannot, are certain to do it ill. And those who are afflicted with credulity and impulsiveness are ever liable to be victimized. Mercantile houses of importance find it to their advantage to set apart as buyers selected assistants, who in time become exceedingly expert. But although that portion of every income which is destined for the purchase of the necessaries of life finds its way almost invariably into the hands of women to lay out, the art of buying well has hitherto been entirely ignored in female education.

It will hardly be denied, that the women of any class who can work out mentally the simple arithmetic arising from their purchases, with a facility at all approaching to that of the shopmen who serve them, are in a minority, the proportion of which it would be unwise to estimate. But it is not so much in checking accounts that their chief disadvantage lies. Fortunately for us all, pure cheating is rare among any but the scum of English populations.

The prevailing inefficiency of women as buyers arises from the want of familiarity with the elements of economic truth and their general principles of commerce.

They are usually quite unlearned in such matters as where retail dealers buy their various goods: what is the wholesale compared with the retail price of an article; why the latter is of necessity more than the former; and why that excess is more for some articles than others; what are the common forms of adulteration and imitation; and how to detect them; what are the lowest prices at which a shopkeeper can afford to sell a genuine article, without undue temptation to substitute a spurious one; by what means customers might, if they would, assist him to sell lower, &c.

Again, ladies are seldom sufficiently awake to the practice, so common, of trying to manipulate them by flattery. They are apt too readily to believe that an obsequious tradesman has really a special veneration for them, and that when he tempts them with bargains, he is indeed throwing a splendid opportunity in the way of a client, specially favoured because of the profound sentiments of respect which he feels it impossible to repress.

They who would buy well, must first learn to buy nothing but what they really want, the nature and extent of all such wants being determined, so far as possible, before the hour of temptation.

If the ladies who frequent the 31 shops would allow themselves to be induced, to consider quietly each morning their real requirements for the day, note them upon paper, and afterwards sally forth to purchase them, and them alone, leaving only the actual choice to be determined on the spot, a much fewer number of shops would suffice, and distribution would cost less in proportion. Or, better still, if those ladies would estimate, and purchase at one time, the requirements of each month in succession, as persons living at a distance from town are compelled to do. Systematic buying, aided by more or less knowledge of the nature of produce and of commerce, is to a great extent already practised by all men who have had the advantage of a business training. But the class of ladies referred to, and in

which I have no intention to include every one—whom the cap fits let them wear it—delight in what they term "going shopping," and there are few who have not learned what that but too often means. If any are still unconvinced, they will surely be satisfied when they call to mind the fair occupants of carriages driving from shop to shop, in the fashionable streets of our large cities, or the earnest faces of those who are for ever gazing into the windows of bonnet and such like establishments, or when they remember one or more of those dialogues which so frequently occur between insinuating shopmen and simple young women.

It will, without doubt, be argued, that different trades tend naturally to localize themselves in different localities, and that therefore the preponderance of milliners, drapers, and such like shops in a particular street, is not a circumstance from which we can draw a conclusive argument. They may fairly be supposed to serve various surrounding districts, and to abound where observed, merely because of the advantages attaching to aggregation. Among such advantages may be named easy circulation of novelties in fashion, and prestige, attributed by customers to particular goods, emanating from particular localities. But all such objections appear to me to be silenced by the reply, that none of the advantages referred to would disappear, or be in the least degree diminished by the fusion of a number of the smaller and weaker undertakings into a few well systematized larger ones. A glance into the windows of the 31 milliners, mantuamakers, drapers, and furriers, reveals the fact that the stocks of goods of each kind respectively vary but slightly. Practically they are but repetitions, one of another. There could not always have been that number of such establishments in that half-mile row. There must have been a time when there was only one. How did it happen, that the increase took the form of additional small shops, instead of extending the capabilities of the parent one?

Had it been otherwise, we might now have found a single shop with 31 customers always in, instead of 31 shops containing a single customer each. The explanation can only be found in the fact, that consumers have hitherto most imperfectly understood and looked after their own interests.

Many ladies seem to me scarcely to look at the commercial business of buying from a sufficiently serious point of view. They appear rather to regard streets of shops as their natural promenades —places for air, exercise, and amusement. They delight in seeing what that is pretty or attractive is displayed in the windows; and the result not unfrequently corresponds with that recorded in the fable of the spider and the fly.

No doubt many excuses may be offered. They must drive or walk somewhere; they must exercise their energies and their natural good taste somehow. This is true, and one object of this essay will be achieved, if to any extent the valuable energies now wasted in careless and unsystematic laying out money be diverted into more legitimate, more productive channels.

The law of nature, that force not beneficially utilized is sure to be working mischief, must be ever borne in mind.

It is a pity indeed that any able and educated persons should be compelled, for lack of that exercise of mind which is an acknowledged physical necessity, to buy what they do not want, with money they have not toiled for, and therefore cannot appreciate the value of.

Reckless purchasers not only spoil the market for themselves, but are responsible for throwing incalculable difficulties in the way of the wise and thrifty.

And as to tradesmen. Although it may seem to be their immediate interest to stimulate customers to buy what they do not really need, or on terms higher than absolutely necessary, it can never be their permanent interest to do so.

Co-operative associations are the natural results of the misguided policy adopted so generally by them hitherto. They have only themselves to blame if they are apprehensive for the future. A system which exists by operating to any extent upon the ignorance and weakness of human nature is in so far unsound, and must give way before one which is incompatible with even the shadow of craftiness or dishonesty.

It is too late now to retrace the wrong steps of generations. Neither retail traders, nor the Chancellor of the Exchequer, even were he to desire what he evidently does not, are able to stop the progress of co-operative associations. They are certain to progress, for they are founded upon sound economic principles. They deserve to prosper if only because they educate their members to habits of forethought and thrift.

And tradesmen will be wise if instead of trying to resist the inevitable, instead of writing complaints to the papers, and sending deputations to the Government; instead of looking with evil eyes at the promoters and managers of these associations, they set about accommodating themselves to the change which has already commenced. Let the weaker retire first and turn producers. It will so fare better with them than if they are forced to retire, after more exhaustion, by a protracted and hopeless resistance. The stronger may remain for a period, but even they, except in cases where they are in part producers, or where their operations are of a professional character, must prepare for ultimate extinction.

Nor will the change be so disastrous as seems to be anticipated by tradesmen, if only they will be wise in time, and recognise their true position. The number of shops built annually where no shops were before, and the number of new shopkeepers succeeding to the management of old established businesses, must be very considerable. If those who are unwisely helping to continue a decaying system could but be satisfied they are on the wrong track, and if only they could be induced to turn their capital and energies into productive instead of distributive channels, the necessary change might come about with little hardship to any.

The Civil Service, and possibly other co-operative associations, have made conventions with certain leading tradesmen, whereby they act to some extent in concert. A tradesman so affiliated to an association returns a discount, averaging 7½ to 10 per cent., to all members thereof purchasing of him. Cash payment is of course a necessary condition. The plan is especially applicable to dealers in articles not yet supplied by the associations. It answers their purpose, for their shops become centres of an altogether new business, which would certainly be beyond their reach but for this expedient. For once habituated to association prices, a customer is not likely to be satisfied with higher ones, even if tempted by permission to take credit which he does not want, or humoured in a way he has learned not to care for.

Relieved from so many of his former obligations, the tradesman can, on the other hand, well afford to take 10 to 12½ per cent., instead of 20.

Let others take good heed, and do likewise, and let them rely upon it, their main source of danger is that which has been so often fatal to those who are playing the losing side of any game. I refer to the propensity which men have to persuade themselves, ostrich-like, that that is true which they would fain have true, and to refuse to recognise even facts and events, if their tendency appears to them inconsistent with their traditions and prejudices.

The Abuse of Industrial Partnerships. By G. J. Holyoake.

THOUGH I have before defined industrial partnerships, I shall do it again. One who, as far as we can judge, knew everything, says, "Truth can never be confirmed enough, though doubt itself were dead." An industrial partnership is a device in which a master who has common sense and common feeling proposes to his men that they shall have the use of his capital, machinery, and business genius, on the condition that they shall, as workmen, do their best, instead of their worst; that instead of wasting, they shall economize his material all they can; and, instead of blundering and bungling, they shall give their best thought and their best workmanship to advance the success and repute of the concern. As by this means they will create a substantial increase of profits, which otherwise would not exist, the master offers to give the men one-half of all they thus earn for him.

Of course, only far-seeing masters propose this, and only sensible men acquiesce in it. The employer has some trouble. He becomes the partner of his men. The men have some difficulty to encounter. They have to act without distrust, and co-operate honestly and watchfully with their employers in augmenting the profits of the undertaking.

The master loses nothing by this policy of proletarian partnership. He begins by estimating his plant at its full market value, and some of those known to the public as conducting industrial partnerships have taken a very liberal view of their business investment. This total value they prescribe shall receive 10, 15, 20, or other per cent. of profit, which shall render it a thoroughly paying concern before any dividend to workmen arises; and in addition to this security of business success, the employer takes one-half of all new surplus and additional profit which the men create. The workmen by this arrangement have offered to them the opportunity of obtaining a share of the profits of their labour which the Speaker has—wisely, considering his position—bravely said they ought to have. The late Speaker had a kind heart, and his hand gave generously to any who suffered; but he would never have startled Parliament by conceding, as Mr. Brand has done, the right of the labourer to some of the withheld wealth he helps to produce.

This scheme of industrial partnership is not at all a sentimental, but a scientific one. It is a calculated device by which the astute employer makes a double use of his men—doubles the productiveness of his capital, doubles the respect in which he is held, and reduces by half his care, supervision, and risks.

The abuse of industrial partnership by the men is, when they are distrustful, thoughtless, wasteful, indolent, or neglectful. The abuse by the employer is, when entering upon a relation of industrial equality with his men, he still hankers after the old dictation over them, and treats the surplus the men have earned as a gift to them, for which they are to be grateful and submissive.

The Messrs. Briggs, whose co-operative collieries at Normanton are oft spoken of, only conceded to workmen who took shares a certain portion of the surplus profit, and to their workmen who were not shareholders a still less portion. The half of the surplus profit belong to all men who worked, in proportion to their wages. It was theirs, not Messrs. Briggs'; and to withhold any portion, on any pretext, admitted of no defence. Either they had earned it, or they had not. If they had not, no industrial partnership existed, and it was a delusion to say it did. If they had earned it, it belonged to them of their right.

The Messrs. Briggs were born among strikes. Their father had a strike once a week. After they proposed an industrial partnership their strikes ceased, and 6000*l.* a year were added to the profits of the collieries. 3000*l.* went into the Messrs. Briggs' pockets—and rightly so too. This was the reward of their co-operative sagacity. It would never have existed but for this arrangement. The other 3000*l.* was the property of the men. The last division of surplus at these collieries recently shows that a profit of 10,000*l.* must have been made in a year, as the men's share amounted to 5250*l.*

The workmen went to some union demonstration. Mr. Archibald Briggs is reported to have said they should forfeit this money for doing so. He had no more right to withhold the money from them

than to withhold any dividend from shareholders. This is the abuse of industrial partnership; this is an offensive peril to expose it to. It resumes the old class ill-will; it forces men into co-operative mining on their own account, and terminates what ought to be the pleasant service of pleasant masters.

There is the firm Fox, Head and Co., of Middlesborough. They very considerately and sensibly set up a co-operative arrangement with their men, but prohibited any man belonging to a union, and even demanded that he should repudiate the union.

This is the insolence of mastership—the abuse of industrial partnership. No man can tell yet what it will do for the cause of order and prosperity in the State, and peace and profit of the employers until we get instances of more fairness than as yet exist. This English land of ours is honeycombed by combinations of landowners, farmers, peers, and politicians—manufactures, medicine, shopkeeping, divinity, are all trade unions—unsleeping, sharp, and merciless; yet I would say it would be equally insolent in workmen, were they in the ascendant, to prohibit unionism in these classes, or to be ill-tempered or suspicious about it, as it is for partnership employers to forbid free action to their men.

We all live on each other, and I am for doing it in a friendly way. At the British Association at Brighton I was shown two Pholas Dactylus, who took it into their little heads to bore their dwellings in chalk, so that one impinged on the other, when the stronger Pholas, with a fine sense of the rights of property, bored clean through the body of the other.

This is what we are all doing. Each man is boring through the body of his neighbour in competitive industry, and I vindicate co-operative partnerships from abuse because they open the way to more pacific success. An uninformed or unreflective man sees no more in his neighbour than an uninformed or unreflective employer sees in his workman. The newly-made middle-class gentleman is prone to say, "What is my neighbour to me? It is enough for me that he does not annoy me, or does not want to borrow anything from me, nor create any nuisance upon his premises which may reach to me." Beyond this he thinks very little about his neighbour, and will live beside him for years and never know him, nor want to know him.

A co-operative thinker has a much clearer and more practical mind. He sees in his neighbour a person who pays and whom it pays to know. He has a social idea in his mind, which is not merely kindliness; it is worth money, and money can be made of it. Charles Frederick Abel became chamber musician to the Queen of George III. because none but him could play upon the viola de gamba (a small violoncello with six strings) with equal perfection. Afterwards came Paganini, who entranced nations by the melody concealed in a solitary cord. It was genius in him to discover and display it. We have not yet explored all the mysteries of cat-gut, yet capitalists would assure us that they have sounded all the com-

pass of the most wonderful of all instruments—man; whereas the employer of labour, as he grandly calls himself, chiefly knows man as a slave who trots under the whip, or as a hired machine— a sort of self-acting wheelbarrow. The workman has the great latent faculties of skill and goodwill, contriving, saving, and perfecting qualities, which are never enlisted by a service of inferiority where the one man is a mere instrument for promoting the ends of another, bound to fidelity only by the tenure of starvation—the workman designing to desert his employer, and the master intending to dismiss the man the moment either can do without the other.

Industrial partnership is a policy of buying the skill and will of a man—his genius and his self-respect, which elevate industry into a pursuit of art, service into companionship refined by equality and rewarded by mutual, though different, degrees of competence.

We had the delight of hearing our president, Lord Napier, the other evening address us with dainty grace, and in dulcet tones; and lest Englishmen, who never move, should be incited to change in a hurry, progress was administered to us in homœopathic gradation, and described in gelatine sentences. In the course of that Lotus-Land oration, we were told that it would not pay the landholder to build good cottages for his labourers; yet his lordship admitted that "though the man cannot make the house, the house will make the man."

May we not demand, then, if a man is made by the house, does not that transaction pay the landlord? Does it not pay him in local decency if his labourer lives in a house which Sir John McNeill calls one of "moral construction?" Does it not pay him in health if contagion is arrested at his doors? Does it not pay him in pride if he owns a cheerful, hopeful, well-made, well-looking labourer; instead of a rheumatic, knock-kneed, round-shouldered, blue-faced, sullen, discontented, despairing, murderous-minded hind, without the sense to agitate, and with no capacity but that of hating, of whom there are specimens in many places? The landlord well stables his horse, and mechanics have never ceased being grateful to Prince Albert for well-kennelling his hounds, because it suggested the well-housing of workmen. Are not the happy step of the labourer and the glad leap of his children worth as much to the landlord to see as the canter of his horse or the grateful bound of his dog?

Money is the least thing by which a gentleman lives! We have nobler senses than the sense of rent! But a landowner can get more of that, if he make it worth the while of his labourer to serve him, than he can get by any other means. We never had any agricultural partnership of farmer and labourer in this country worthy of the name of co-operation. Mr. Walter Morrison, one of the members for Plymouth, has lately, so report says, bought a farm in order to try whether agricultural co-operation is practicable. As Mr. Morrison is credited with sagacious humanity, we shall, unless the business traditions of his house fail him, one day see what wit and work his men will display, and what pride they will take in creating a balance

at the banker's for him—the first landowner who has given (if he does it) his labourers a co-operative chance of competence; who has honestly tried to abolish rheumatism and the relieving officer—not merely the rheumatism of the bones, but the rheumatism of the mind, which afflicts not only the labourers, but the mechanics of England.

Industrial partnerships cannot be constituted in all pursuits, and there are many employers who act upon the spirit without adopting the form of labour partnerships. There is, however, large room for them, and larger need of them; and where they are attempted they should be frankly acted up to, for they present the means of introducing change without disorder, and of converting the relations of many industries from a state of suspicion and peril into one of respect and prosperity.

Free Trade in Land. By ARTHUR ARNOLD.

SEVEN years ago, in a vast mill-shed erected by the co-operative enterprise of working men, I listened to the last public words of Richard Cobden. Never have I seen greater homage paid to living man. Some rough deal planks formed a sounding-board above his head; the place was not well lighted; his words could reach but little more than half the vast assembly. Five or six thousand people had congregated to listen to the unadorned eloquence of this practical man in a place most bare of ornament. He spoke with the measured tone of who is sensible of great responsibility, as a man ought to speak whose words were carried to the magic needles ere the ink that recorded them was dry, and flashed away to all the great centres of English intelligence, there to be reproduced a thousand thousand times before the eyes of his countrymen. That night he offered to the competition of English statesmen a splendid prize—the rich guerdon of a merit brighter than his own; a reward nobler even than that respect betokened by the myriad of upturned faces, hanging, as it were, with unquestioning confidence upon his words. He expressed his belief that success would attend a properly conducted effort to establish free trade in land; and he asserted that the man who should accomplish this work will have done more for the English poor than had been effected by the application of free trade to commerce.

And there it lies: the prize fell to the ground; death sealed the lips of the speaker; his words have assumed the solemnity of a bequest; but nothing, positively nothing, has been done towards the establishment of free trade in land. I really do not believe that any one possessed of great influence in the Legislature questions the beneficial influence which a free exchange of land would exert. "We Englishmen," as Mr. Gladstone said last year at Greenwich, "who have received from Mr. Cobden a special commission and a

special charge," have strangely neglected our calling. Believing in their utterances, it can only be supposed that the conscientious men who direct the powers of the State have been waiting long years for a favourable breath of public opinion and for a clear channel. The present head of the legal profession has said that in 1815 he read Adam Smith, and that the study of the works of that great economist was the cause of his taking up the principles to which he has ever since adhered. In 1859 the present Lord Chancellor—a man possessing, perhaps beyond any of his predecessors, the respect and confidence of his countrymen—spoke scornfully of the law, of which he was even then a pillar, so far as it related to land. He said: "Look how the limitations of your law affect the transfer of your land. It is only on account of these that you have difficulties as to title; because, if it were not for the complexity of limitations, a system of registration would long since have been established, which so far as fraud and rapidity of transfer was concerned would have freed us from any difficulty of title whatever. You have now the combined effect of fraud and the complicated investigation of title, which operate in the most serious manner to prevent the free transfer of the land in our community. What I wish, and have long wished for, is a free transfer of land"—in other words, free trade in land. The Sir Page Wood who uttered these words has quitted the atmosphere of commonalty—so much more free on this subject than the air of the gilded chamber in which he now presides—yet I do not doubt that Lord Hatherley holds the same opinion. But it is not statesmen alone who have been indifferent to this great question. The people have permitted the monopoly of land to become more and more restricted, without interference. This surprised Mr. Cobden. He said: "It is astonishing that the people are so tacit in their submission to the perpetuation of the feudal system in this country as it affects property in land, so long after it has been shattered to pieces in every other country." But he knew the reason why; he declared the cause of this languid acquiescence to be that "the great increase of our manufacturing system has given such an expansive field of employment to the population, that the want of land as a field for investment and employment for labour has been comparatively little felt." "So long," he predicted, "as this prosperity of our manufactures continues, there will be no great outcry against the landed monopoly."

I say the time has come when this tacit submission exists no longer; when the maintainers of the present land system must accept reform, or risk the rude chance of revolution. Slowly but surely the people are mastering this question. Every wind that blows brings to the shores of England testimony to her matchless wealth and to her unequalled poverty. Englishmen know, as a rule, very little of other countries; and the books which have been written are, for the most part, very superficial, or too "dry" for popular reading. But they are aware that our land system, so far as it is known abroad, excites the wonder rather than the admiration of the world. There is

nothing like it. There are countries of peasant proprietors, like France, Switzerland, and Belgium; there are other lands with a class analogous to our landed aristocracy; but there is no other portion of the earth where the land is for the most part owned by one class, farmed by another, and tilled by a third. I anticipate the criticism of the opponents of reform, who at this point will exclaim triumphantly that such an exceptional position is the cause of that stability of order which the institutions of this country have preserved, and that therefore the maintenance of the existing law is desirable. It will surprise those only who are ignorant that free trade in land is both a truly Liberal proposition and also a thoroughly Conservative measure, that I should frankly admit this. I do believe that this singularity of our system has tended to preserve our institutions. How? Because it has rendered the voice of the rural districts subservient to the will of the urban population, and yet has presented a nearly equal power of resistance, aided by the peculiarity of our electoral system, which found grossest expression in the acknowledged and even lauded existence of "rotten boroughs." But this artificial equilibrium is passing away, and every day the rural party are losing power and influence in the State. To repair this balance free trade in land has become necessary. My earliest recollections are of the free trade struggle. I well remember the bitter words which, as a child, I heard spoken around me with reference to Cobden and Bright. As a boy, I sat on the stage of "Old Drury"—never so full, even on Boxing Night, as it was then—with farmers who had travelled long distances to hear the turgid eloquence of the Protectionist leaders. There was some fire in the movement, but it was borrowed—I will not say hired, light. A very untrained instinct might have detected unreality; they were defending a privilege, not a right; and of the agricultural class they had not the sympathy of the labourers. The peasantry of England could not be rallied to the cry of "Dear bread and dear cotton stuffs!"

But suppose it had been otherwise; assume that our land system had resembled that of France; grant that there had been 10,000,000 of people engaged in the cultivation of the soil, instead of 2,000,000; and that instead of these 2,000,000 inactively sympathising with the demand for cheap bread, there had been 4,000,000 of peasant landowners and corn-sellers, with a far greater numerical representation in Parliament than the landed interest possessed. Had this been the case in England, who will assert that our institutions would then have survived? I think that civil war could not have been averted; for these peasants would hardly have condoned such a policy as that of Lord Derby and Mr. Disraeli—would never have displayed the intelligence and patriotism which induced the leaders of the English landed interest so readily to accept the victory of their opponents. We must not be too proud; it is silly to suppose that we alone, of all people in the world, are wise; that we only can construct durable institutions. We are of a busy, enterprising, conquering race, but we owe to Nature the possession of a country which has moulded our

institutions. Long before Adam delved or Eve span; when the metal, thousands of fathoms from the surface, was being as it were distilled into fissures of the granite; when the trees of primeval forests were being converted by decomposition and pressure into rich beds of coal; when, more fortunate still, these and other strata were so upturned, that within the smallest area on God's earth were to be found, in this our island home, the greatest variety of natural treasures—stony districts, over which a thousand limpid and perennial streams ran ready to serve in cotton and woollen manufactures: coal-beds stretching in adjacent and parallel lines from Newcastle to Cardiff; good soil for cultivation, and a climate assisting the husbandman—all these things tended to produce in England that balance of powers which, usefully acting upon each other, have yet always given to the concentrated, and therefore the more intellectual, population of the towns the preponderance that in other countries has rested with the immobile and less educated class, the contrasting product of which has been revolution and disorder. Had there been 15,000,000 of peasantry in this country, with a land system like that of France, we might have seen revolution followed by despotism, and have been the subjects of the Emperor Benjamin Disraeli.

I purpose to recommend the establishment of free trade in land as necessary for the interests of every class in the country; but we must first glance at the land system as it now exists. It pains me to observe that lately the broad issues of this important question have been neglected for petty disputes as to the number of agricultural landowners. Is it not enough to know that less than 300 families own by far the larger part of the kingdom? The census of 1861 says there are about 31,000; but it may be that this is incorrect. In the statistics prepared prior to the introduction of Mr. Gladstone's Reform Bill, the number of male freeholders is returned at 358,526. Of these qualifying freeholds, 92,000 were within the limits of Parliamentary boroughs. Several boroughs have since been enfranchised, but it may be safely assumed that there are 250,000 freeholders beyond the limits of boroughs returning members to Parliament. The outskirts of these boroughs are generally agricultural, and while there are a vast number to be deducted from this 250,000 on account of the unenfranchised towns and villages, including such populous places as Margate, Ramsgate, Southport, Glossop, and a thousand more, some of the freeholders in Parliamentary boroughs would be properly defined as agricultural landowners. Yet even if we were to assume that the owners of cultivated land numbered 200,000, the influence of this assumption upon the question of free trade in land would be very unfair unless we had regard to their inequality of condition. Could we have a return of the number of landowners possessing (1) not more than 6 acres, (2) than 60, (3) than 600 acres (4) of those whose property exceeds 600 acres, the tremendous preponderance of area in the highest classes would amply justify the statement that, for purposes of argument, 30,000 families may be regarded as owning the soil of the United

Kingdom. The number of agricultural landowners is, I believe, decreasing; the causes which promote this decline are of increasing intensity. What are the chief of these causes? I should say, the increase of capital, and the cost, together with the uncertainty of the cost of conveyance. The wealth resulting from manufacturing industry has tended to this result, for the overflow of these riches has narrowed the land market, because it has passed into the hands of men who are content to sacrifice a large portion of the ordinary profits of capital, to purchase the social distinction which acres confer, and upon whose large purchases the cost of conveyance is not a heavy charge. Manufacture pays an enormous tribute to the landlords in the shape of ground-rent, much of which is spent in the purchase of other land. As Assistant Commissioner of Public Works in Lancashire during the cotton famine, I became officially acquainted with some of the most striking instances of the conversion of land from agricultural to manufacturing uses. Estate maps were brought before me of a hundred years old, which showed the sites of towns now paying 20,000*l.* or 30,000*l.* a year of ground-rents to have been then nothing but obscure villages on a neglected moor, not worth 50*l.* a year to the proprietor. I could give many instances where, by the competition of industrial capital, the rent of land has risen within a very few years from so many shillings to as many pounds per acre; and I cannot forget that I saw this vast industrial capital depreciated and jeopardized, charged with local burdens most grievous to be borne, and receiving but scant assistance from the landowners whom it had so enriched, and who, in full security, held the property of the leaseholders as a guarantee for their income.

Our manufacturing prosperity has done more than this to strengthen the land monopoly. Some of the princes of manufacture have become successful accumulators of the soil, and of many more the fair daughters have carried in their hands the gains of industry to expand the ring-fence of the landowner. The construction of railways was made subservient to the same end. There was once a feast—I could name the day and the place—at which eight surveyors sat round a tavern table in a home county, under the presidency of a nobleman's steward. The *carte du jour* was unlimited, but the favourite course was tasted first, and it went into the pockets instead of the mouths of the company; there was, in short, a 50*l.* note in each man's dinner-napkin. The incident is a trifle; but no intelligent person who compares the cost of English railways with that of those which the same hands have constructed in other countries, will doubt that the landed interest received 100,000,000*l.* over and above the actual value of their land, from which sum there is only to be deducted the unnecessary payments to lawyers, and for other professional services which their opposition and vexatious processes demanded. This vast sum was for the most part expended by landowners in the purchase of small freeholds; and beside these enabling forces, they have had the advantage of the increasing value of land—due not only to tenants' improvements, but also to the growing wealth and number of the

population—an increase which has been at least as rapid as that of the national expenditure.

The monopoly of land is directly fostered by the cost of transfer. The landlord is willing to invest his money with a return of 2½ or 3 per cent., and the lawyer does all he can to keep the small capitalist from competition. Among the most industrious nations of the Continent, the cost of the conveyance of land is a per centage on the purchase-money, which passes to the coffers of the State, so that while the expense on a purchase of 100*l.*, would be 5*l.*, that of the conveyance of property worth 100,000*l.* would be 5000*l.* But here the operation of the law imposes a system precisely the reverse; it practically forbids the purchase of small properties by imposing legal charges, the per centage of which invariably declines with the increase of the purchase-money. A well-known land agent asserts—and the experience of hundreds will be similar—that he has often signed deeds for the purchase of property of small value, when the legal expenses have equalled one-third of the purchase-money. Yet, perhaps, the uncertainty of the cost of conveyance exerts a more powerful influence in the limitation of the number of agricultural landowners. The charge is unduly magnified to the prejudice of the small capitalists. An example of this occurred within my own knowledge the other day. Solicitors now permit themselves to charge by a per centage for the costs of a mortgage, and an owner of land valued at 7000*l.*, anxious for certainty, agreed to pay 2 per cent., or 140*l.* The lawyer told me the title was so simple that he could not, if he had made out a bill, have charged more than 40*l.*; so that this unfortunate person needlessly paid 100*l.*, merely from the fear of the uncertainty of the amount of law charges. It is not necessary to explain how even more strongly the same motives would operate upon the man whose entire property consisted of land valued at 200*l.* or 300*l.* I do not hesitate to express a confident opinion that the soil of England, speaking of the country generally, is reduced in selling value to the extent of from two to four years' purchase by the incubus of this system of conveyancing.

The words which I have quoted as spoken by the present Lord Chancellor, condemning the limitations of the law, place the axe of reform directly at the root of this system. The landowners are encouraged to fence their ownership, by their last will and testament, with limitations which swathe the soil of the country in parchments, and make of us, as Lord Westbury has said, "a lawyer-ridden people." The soil of England is held under disabilities. When the House of Lords was crowded prior to the most memorable division on the Irish Land Bill, a friend who was with me, looking down upon the august assembly, whispered, "And these men own three-fourths of the United Kingdom." "Would to God they did," I answered. "I doubt if there are a dozen men there who have an acre of land that they can call their own." Their families, not they, are the owners of the kingdom. Years ago, in their hot youth, when they were neither statesmen nor practical agriculturists, as many of them are

now, they signed away to their sons, and failing them, to a long line of brothers and cousins—even when they had not a thought of marriage—the freehold of their inheritance. Now, how are the interests of the community regarded in their limited ownership of the land? I speak of my own experience. On the majority of great family estates the rent is far below what it might be if the land were most advantageously prepared and divided for cultivation; but the arrangement between the landlord and tenant is a mixture of a feudal and a business character. Each thinks he sees his advantage in this. The tenant likes a low rent; likes to think that he and his father have had the farm pretty much on the same terms; it is not difficult to get a living, and ambition centres not so much in change of position as in the hunter which carries him to cover-side. He has no lease, but his landlord is a kind and honourable gentleman; so long as the rent is duly paid, and he neither shoots foxes nor, under some landlords, votes the wrong way, and does not acquire a bad character in the neighbourhood, he will be secure in his occupation. When he leaves the farm he will be paid, according to the custom of the country, for the unexhausted improvements he has made, which, of course, will not approximate to those that a thrifty man would have made if he had been the owner and occupier, or the well-secured tenant, of the soil. Says Adam Smith, "It is against all reason and probability to propose that yearly tenants will improve the soil," and is it much less contrary to reason and probability, to argue that life tenants will to a necessary extent spend their income in the improvement of estates of which they are but the nominal owners?

I am amazed at the ignorance of people with regard to their own country. Men talk of a free country; journalists wrote of Mr. Goschen's Rating Bill as if it would impose upon the landowners one half of the local rates as they are now levied, and thus make them sharers with the occupier in the weight of the extra burdens of such unhappy years as those of the cotton famine. But there is no truth in all this; England is not a free country; in one most important aspect it is made up of life tenants and leaseholders, the former being the great power in the rural districts, just as the latter are rulers in the towns. We cannot liberate them, but we can legislate for the successors of the life tenants, as well as for the new leaseholders. The life tenants are, to a large extent, free from responsibility, or, surely, they could not bear to look upon the cottages which herd, rather than house, the people on many estates. I wish carefully to avoid invidious dealing with any class; the fault is in the system rather than in the men. Disgraceful and immoral overcrowding has been the result of the nominal owner's indisposition or inability to build new cottages, and hundreds of parishes will furnish such a scene as I will briefly describe from official records. In the thatch-covered roof of a single-roomed cottage—a loft ten feet square—three beds contained ten people; there were no curtains or divisions of any kind; one bed held the father, mother, and infant son; the centre bed was occupied by three daughters, of whom two

were upwards of twenty years of age; and in the third bed lay the four sons, aged respectively seventeen, fifteen, fourteen, and ten. Take "S. G. O.'s" testimony as to cottage beds in a room of thirteen feet square. "On the first lay the mother, a widow, dying of consumption; on the second, two unmarried daughters, eighteen and twelve years of age; on the third, a young married couple, whom I myself had married two days before." Looking on these things, can we wonder that the English peasantry is the most immoral in the world? The statistics on this point are shocking, yet they conceal the whole truth, because our population is so largely manufacturing, and these marry and have generally excellent cottages. I blush to record the evidence of an English clergyman, who said:—"I never recollect an instance of my having married a woman who was not either pregnant at the time of her marriage, or had had one or more children before her marriage." I lay this frightful immorality, which every country clergyman can confirm, to the charge of the system of entails, which reduces the landowner to the position of a tenant, and, not unfrequently, of a helpless tenant. And as with the peasantry of this kingdom, so it is with the farmers. In many cases, the estate is mortgaged to the fullest possible extent, and the nominal owner cannot obtain the means of draining the land and improving the homestead.

Often have I seen poor thrifty tenants imperfectly doing the work by filling trenches with stones or bushes, or by dragging a mole-plough through the cold, wet clay, so tenacious that the subterranean mole-track made by the passage of the iron would, "perhaps," keep open for years! Though the nominal owner has under various statutes a power of borrowing on the estate, why should he in this way diminish his income—from which alone he can provide something for his younger children—to improve the property of his eldest son? Before the passing of Mr. Locke King's Act, if he had saved a little money, this would have been liable for the payment of the mortgage-debt in the event of his death, in spite of any testament by which he sought to bequeath it to his otherwise penniless daughters. But then the tenant may have money? Yes, he may, though more often he has scarcely half enough for the most efficient cultivation of the soil. And if he execute the works of improvement he will want some consideration. He will demand a long lease at the old rent, or he will ask a reduction from his rent, to repay, in so many years, the cost of the permanent improvements; and neither of these things is the nominal owner disposed to grant. If landowners could be compelled to grant leases on equitable conditions, and for a sufficient term of years, then the evils consequent upon the system of entails would be mitigated. But they dislike leases; and if ever they do contemplate such an instrument, it is often as full of vexatious limitations and restrictions as the deeds by which they hold the nominal ownership of the land. The signal and peculiar misfortune of agricultural England is that for the most part it is "no man's land"—it is held in perpetual mortmain—the landlord is a

life tenant, and the farmer a dependent. There are exceptions; I record most notable words to the contrary with peculiar pleasure. The present Lord Derby said, in 1864:—"I think every good tenant, who is expected to stay permanently on the farm he holds, is entitled to ask for a lease from the proprietor. It is a very simple alternative: if a man is not fit to settle on an estate with a lease, he is not fit to settle without one; if he cannot be trusted with a lease, he cannot be trusted with the land. . . . . I say this—and in what I am saying I am rather, in my own mind, addressing landlords than tenants—I say, if a tenant is to be expected to lay out capital on his farm, it implies no distrust of the landlord—it is simply an ordinary and proper business precaution that he should insist on having some lease. . . . . I believe that these two things—one, the making the giving of a lease a general rule; and the other, having leases drawn more simply than as a rule they are at present—would go very far to settle that question of land-ownership of which we have heard something of late." This is all very satisfactory, so far as it goes; but Lord Derby is scarcely an agricultural landlord. The broad acres of which he is the nominal holder attract bricks and mortar so fast that the farmers let the rushes grow—those infallible indications of the want of drainage. Where is the use of draining land which in a year may be wanted for a mill, or the level of which may be upset by coal-getting? "Where do the rushes come from?" I asked once of a great candle-maker. "Chiefly from Cheshire." And when, some time afterwards, I met a party of Cheshire landlords, and told them of the want of drainage in their county, they assured me that the best cheese came from the undrained farms, and that the cows were most fond of the grass which grows about the rushes. "Are you convinced?" a worthy Cheshire baronet asked. "Yes," I said; "I am convinced that there is no evil in the world which will not find defenders." This question of land-drainage is one that concerns the food of the people; and the operation of our system of entail and settlement is to retard its completion, and in other directions to keep from the land the capital which would so greatly increase its produce.

It has been said by a practical man that the hostile passage of 100,000 foreign soldiers through our island, attended by all the horrors of war, would not inflict so great an injury as this system of land settlement works in a single year. The evidence of farmers and land agents proves that on heavy clay lands the produce of the soil is trebled by proper drainage. But, as Smith of Deanston said, "Entail obstructs the substantial improvement of the land." Day after day, year by year, English capital is flowing out of the country, to aid in every description of foreign enterprise. Yet the agriculture of the kingdom in which all this everflowing wealth is made, is starved for want of more capital. If Mr. Mechi finds that with 16*l.* an acre he can make a better return than with a smaller capital, we may presume that intelligent farmers generally would have the same experience. But his land is thoroughly drained; the hedgerows

are straightened and cut down, so as not to obscure the light nor shut out the passing breeze; all is put in the best form for cultivation. I will not venture to say that one half the cultivated land of the United Kingdom is properly drained; but if we assume that of the 46,177,370 acres which were under cultivation last year, one half required drainage, and if we place the cost of this work at 8*l.* an acre, we know that a sum of 184,000*l.* is required for this subsoil labour. If we take the authority of experienced land agents, and assume that this would treble the produce merely of the 11,755,053 acres under corn crops, the result would pay about 15 per cent. upon the outlay, and afford food on the wheat lands alone, returned at 3,750,000 acres, for nearly two millions of people!

But this is only a part of the demand of the soil. I have said, quoting the experience of Mr. Mechi, that 16*l.* an acre is not too large a capital for farming land to the best advantage. There are no statistics by which we can ascertain the amount of capital invested in farming; any estimate must be more or less a matter of guess-work. I am sure that to set the capital engaged in agriculture at half this amount, is rather an excessive than a moderate calculation. If, then, we take once more the 46,177,130 of cultivated acres in the United Kingdom, and compute the extra demand to bring up the agriculture of the country to the high level which Mr. Mechi maintains with such good results at Tiptree Hall, we find that in addition to the enormous sum required for drainage, the land of this country demands, and would well reward, a further investment exceeding 350,000,000*l.* How is it possible for me to over-estimate the advantage to the people at large of the profitable expenditure of 500,000,000*l.* upon the soil? What a wealth of labour and wages and food there is in the meaning of these figures. And why is the land thus starved? Why is its productive power thus abandoned? Because the landlords are but nominal owners of their property, and because the tenants have no security. We need free trade in respect to the land of the United Kingdom, the abolition of the system of imperfect proprietorship in which the main part of it is now held. Let me not be met by the remark, which many, believing themselves well informed, will be ready to make, that of English farms, the greater number are held by men of capital and substance. The Board of Trade statistics show that last year the majority—that 54 per cent., or 213,626 of the 393,569 agricultural holdings in England—were under 20 acres; while in Wales the proportion was 48 per cent., in Scotland 57 per cent. Then there are the "waste" lands, which are slowly but surely passing out of the freedom of commonage into the fettered condition of most of the soil of this country. There are no reliable statistics as to the quantity of waste land: but I cannot say that the extent is over-estimated at 10,000,000 acres. The total area of the United Kingdom exceeds 78,000,000 acres; that of the cultivated land exceeds 46,000,000 acres. We have, therefore, 32,000,000 acres which are not cultivated; and alloting 22,000,000 to the towns, roads, rivers, &c., we have still 10,000,000—or nearly

three times the extent under wheat in England—of waste or uncultivated lands. There is sometimes clamour for the cultivation of these lands, as though such a work would deliver England from pauperism. No doubt there is much to be done upon the waste lands; but the question in its relation to the wages fund of the working classes is a small one in comparison with that of the general demand of agriculture for increased capital and labour. I think Parliament should exercise great circumspection before sanctioning anywhere the enclosure of commons; but this care is especially necessary when they are situate in the neighbourhood of large towns; and though I am unable to subscribe to what I understand to be the doctrine of some, that in spite of law and custom, a property in rights of common should be given to occupiers, I think that Parliament might, in the cases where enclosure is sanctioned, demand a much more liberal allotment for recreation and garden ground, for the preservation of all open spaces and monuments of peculiar or historic interest.

In order to establish free trade in land—of which in these preliminary remarks I have endeavoured to establish the need—I shall suggest legislation directed to the following points:—

1. The devolution of real property in cases of intestacy in the same manner which the law directs in regard to personal property.
2. The abolition of copyhold and customary tenures.
3. The establishment of a Landed Estates Court, for the disposal of encumbered settled property.
4. A completion of the Ordnance survey of the United Kingdom upon a sufficient scale.
5. A system of registration of title, which shall be compulsory upon the sale of property, the fees upon registration—sufficient at least to defray all official expenses—being a per centage on the purchase-money; the same per centage for all sums. A certificate of title would be given free of all costs in respect of any freehold lands, of which the reputed owner could prove undisturbed possession for thirty years. Any title could be registered in the Land Registry Office upon evidence of title for thirty years; the fees being the same as in case of sale, when the registration would be compulsory.
6. That, preserving intact the power of owners of land to bequeath it undivided or in shares, no gift, or bequest, or settlement of life estate in land, nor any trust establishing such an estate, should hereafter be lawful; the exceptions being in the case of trusts for the widow or the infant children (until they attain majority) of the testator, or for the benefit of a child born within due time after the death of the testator.

The taxation of land is another, but a kindred subject. It is one which cannot long escape the attention of Parliament. I would venture to propose that property in land should be taxed by the charge of a per centage upon the value of the estate to be paid in the form of stamp duty, on transfer, whether by gift, sale, devise, or inheritance—the succession duty being remodelled to this end. The assessment might be so many years' purchase of the annual

rateable value; and in the case of building land, so many years' purchase of a proportion of the rateable value.

The question as to whether land can be the subject of absolute ownership, is one much in debate at present. Mr. Mill says:—"The claim of the landowners is altogether subordinate to the general policy of the State;" and this must be admitted. It is equally true of every other class of property, but specially of those which are limited, and which, being limited, are yet indispensable to the existence of the people. If England were surrounded by hostile fleets, and famine was over all the land, the farmers' crops and the bakers' loaves would be limited, and "the claim" of both farmers and bakers would be "subordinate to the general policy of the State." Equally with reference to the North-Western Railway, or any other, of which we may assume that it possesses a monopoly of the most direct line between two or more great centres of population; such advantages are limited, and the property of the shareholders is equally "subordinate to the general policy of the State." Of course it could not be allowed in the one case that the landowners should exercise their admitted "right" of eviction, and condemn all the population except the members of their 30,000 families to be crowded to death, in starvation and plague, in such portions of the towns as do not belong to their class—so small in number, so rich in land and luxury; nor, in the other, would it be permitted, if London were closely invested, that the bakers should control exactly as they pleased the distribution of bread. It appears to me that all rights of property are "subordinate to the general policy of the State," it being understood that the owner should receive compensation if he is displaced. And with regard to the rent of land, this is truly defined as the result of competition for the possession of certain advantages of quality or position. The first settlers do not pay rent; they select the situations which, in time to come, will command the highest rent, if the means of communication—generally a stream—by which they settle shall continue to be the chief highway. The next comers are willing to pay rent for this situation, and so the settlement spreads; the increase of rent being mainly due to the competition of capital. Thus the houses in cities grow upwards, instead of laterally, from one story high to six stories high; and land which was once unfenced, and where, perhaps, upon payment of a trifle, any one might drive his plough, becomes "accommodation land," worth 5*l.* or 10*l.* per acre per annum for the horses and cows, or the vegetables and fruit of the town population. I have said this much upon ownership and rent, because, finally, I have touched on the conditions upon which the taxation of land should be based. But my immediate object is to show that free trade in land may be established by the means I have suggested.

In this work I would ask, and I expect to obtain, the co-operation of the landowners. They are most largely interested in promoting this reform. By the abolition of the law of primogeniture — by which I mean the gift by the State to the eldest son of all the real

property in cases of intestacy—when the State ceased to inculcate primogeniture, parents would gain that proper authority which they never possess over the "heir." This scheme would leave intact their power to bestow their possessions in the customary manner, but in that important national as well as family work—the training of the masters of great property—the law would have put into the hands of parents a power for which those who are most sensible of their responsibilities would surely be grateful. Insolvent landowners would be relieved of the millstone round their necks—restored to a natural position; not seeming rich and being unutterably poor. They would be real owners of their property. A large proportion of the 30,000 families who mainly possess the agricultural land of the country could give, without trouble or expense, satisfactory evidence of acts of ownership for thirty years, and they might then burn those mouldy parchments, each reference to which at present costs 100*l.*, or, much better, preserve them as curiosities and part of the family history. The registration of their property would supply an indefeasible title in the place of these cumbrous muniments, and would give an increased value to their land. When registration became general, as it would by this plan, and being made compulsory on sale, we should see estates advertised for sale as "registered" land, and for such the price would be higher than for unregistered land, probably by two to four years' purchase upon all but the most extensive or costly properties.

Lastly, the landlords ought to accept free trade in land if they wish to avoid measures which will have less regard for their interests. Let them reflect on their position. See where they stand! They are 30,000 in 30,000,000; they have lost the rotten boroughs; they have lost the peculiar control they once possessed—which they usually exercised in a negative manner—over national education; they are about to lose, by the agency of a really secret ballot, their power of intimidation at elections. Resistance to reform will assuredly produce revolution, and the first act of successful revolution would be to impose heavy taxation upon the land, and to decree compulsory distribution at death, proportioned by law. It is certain as sunrise that our land system will not be permitted to continue in its present form. Revolution might witness the installation of the plan for "nationalization," the hobby of so many of the working classes, by which the State would purchase the interest of the landlords, and grant leases of the lands as part of the public domain. Property owners, friends of order, must condemn our land system, because it deprives our country of the unfailing resources which other lands possess against revolution. Our land system is very dangerously contracted in regard to ownership. There is absolutely no power in the rural districts to gainsay the will of the masses in the towns. When a socialistic commune was erected in Paris, and demanded the exclusion of the city from the general law of the country, there were 5,000,000 landowners in France ready to say "No," and to enforce the views of property

upon revolutionary Paris. Here there is no such force. The 30,000 families of the United Kingdom could not stand a moment against the breath of revolution; and, as for the peasantry, there are not (if they were the friends of the landed interest, which is not the case) more of them in the larger island than a single branch of manufacture collects in the vicinity of Manchester. The Reform Act of 1867, the work of a ministry of landowners, carried by the country party—Mr. Disraeli having "educated" them to the task—this constitutionally placed the supreme power in the hands of the population of the towns, and the ballot will confirm their authority. The evident and irrevocable tendency is towards the equalization of electoral areas; one after another the smallest boroughs are disfranchised, and a powerful stimulus in the same direction will be given by that provision of the Ballot Bill, charging the necessary expenses of elections upon the ratepayers; for these charges will fall heavy upon the "pocket" boroughs, and be unfelt by the populous constituencies. I am no alarmist; I sincerely believe it would be dangerous for the landed interest to set its face against reform. To what could they trust in such a policy? The forbearance of the now all-powerful people? Why should these exercise forbearance? Does history read such a lesson to the people? About two hundred years ago the position in which the landowners and the people find themselves to-day was reversed; the former were mightiest in Parliament. And what did they do? They found a large taxation levied on the land, of which it is not untrue to say that it was the purchase-money of their estates; they threw off these feudal dues, and substituted an Act "that the people of England should pay a tax of 1*s.* 3*d.* per barrel on all their beer and ale," with a proportionate sum on all other liquors sold throughout the kingdom. And it was enacted that a moiety of this tax "shall be settled on the King's Majesty, his heirs and successors, in full recompense and satisfaction for all tenures *in capite* and by knight service, and of the courts of wards and liveries, and all emoluments thereby accruing, and in full satisfaction for all purveyance." This Act was carried in a house of 300 members by a majority of two. Then, again, when a land tax of 4*s.* in the pound had been imposed, the landowners contrived, in 1697, so to frame the tax (9 Wm. III. c. 10) that it should not increase with the value of the land, as was at first intended, but should be a fixed annuity without rise in value. I do not bring forward these things as charges against the landed interest: they are now merely historical; nor do I refer to them as incentives to those whose ancestors paid so dearly for the legislation of the Caroline period. I hope the people will use their power wisely and fairly; but I have yet to see a party which, being in undisputed possession of authority, has been uninfluenced by motives of class interest. I refer to these things as a warning to the landowners, suggesting their acceptance of such moderate, such wholly advantageous reforms as those I have sketched, in the friendly spirit in which they are framed. When Cobden said, in 1845, "I warn the aristocracy not

to force the people to look into the subject of taxation; not to force them to see how they have been robbed, plundered, and bamboozled for ages by them," he spoke in days very far removed in reference to political affairs from our own. Were he with us now, he would be the first to admit this; but I am very sure that he would demand free trade in land, and, if it were withheld, he would not fail to arouse the people to a sense of their rights in this respect.

The people! Who are they? "The people at large"—of whom Cobden wondered that they were "so tacit in their submission." Why are they not agitating for this reform—for free trade in land? I believe they will be tacit no longer; yet I must express my suspicion that the political education of the people is yet so imperfect, that they do not comprehend the subject. Many think that they have no land, and can have no land, and that therefore it does not concern them. On the side of the people, I regard as most important that question of primogeniture, which would be for ever decided if Mr. Gladstone's "Real Estates Intestacy Bill" became law. This measure would not affect the actual power of the landowner over his property, but it would reform the teaching of the State. The example of the State is a matter of supreme importance to the poor; for if the State inculcate primogeniture, which even such men as Mr. Walter, the chief proprietor of the *Times*, calls a "flagrant injustice," then there is a process like "dry rot" going on within the body politic, which is ruinous to the interests of the poor. If the State regard not justice, it is the poor who will chiefly suffer. The leaders of society are corrupted when the teaching of the State may be directed by expediency. What is more sad than to find a man like Lord Russell defending primogeniture, and saying that "the law should adopt the general practice as the rule in cases of intestacy?" Surely Lord Russell then forgot that it is not the law but justice which is represented as blind. The conduct of the *Times* with regard to this question of free trade in land has too much resembled that of Lord Russell, reminding me of a Californian journal which, I am told, makes it a point never to chronicle an earthquake in San Francisco, lest it should disturb real estate. But the *Times* is even more devoted; it records everything in favour of the existing land system. I would earnestly entreat its conductors to exert their great influence with the landowners, and to press upon them, in their own interest, the acceptance of free trade in land.

I am not sure by which party this great work will be carried to completion: it is both a Conservative and a Liberal measure. When Mr. Gladstone said last year, "It is totally unnecessary that I should do more than assure you, that during what may remain to me of political life I shall continue to feel the same unfailing anxiety both for the personal fame of Mr. Cobden, and the gratitude of the country to him for his distinguished services, and even more for the prevalence of the principles to which his life was devoted, and which, had he been spared, would have been still more efficaciously promoted;" when Mr. Gladstone used these words, he was certainly aware that

Mr. Cobden had longed for free trade in land. It would not surprise me to see a competition between the two great parties in the State, for the honour of effecting these needful changes in the laws relating to the tenure of land.

Remarks upon the Mineral Wealth of Cornwall. *By* J. H. COLLINS, F.G.S.

THE Cornish peninsula has been famous for its mineral wealth for upwards of 2000 years, and as yet shows no signs of exhaustion. This wealth at first seemed to consist of tin alone, but copper has been mined in the county for some hundreds of years, and at present, besides the ores of tin and copper, those of lead, iron, zinc, and other metals are annually raised in considerable quantity, together with very large quantities of slate, granite, and other building stones, and of China stone and China clay. The object of the present paper is to draw attention to the present ore produce only of the county, and to describe some peculiarities connected with the trade therein.

The ores occur mainly in lodes, not in beds as in some other localities; the tin and copper lodes, except those of St. Just, near the Landsend, having a general direction across those of lead and iron, with meridians, but all varying within considerable limits in different districts. The tin and copper lodes of St. Just, and in a less degree those of St. Ives, are exceptional; the former bearing about 35 degrees N. of W., and the latter about 8 degrees N. of W. All the tin and copper lodes are appropriately parallel to that part of the granitic axis or back bone of the county to which they are nearest. In addition, however, to the occurrence of tin in lodes, it was formerly found in considerable quantity in beds of pebbles, forming the deeper strata of river gravels in many of the Cornish valleys. It is also disseminated through granitic and schistose rocks, or filling their joints, as in the stock-works of Germany.

TIN.

As tin was the most anciently wrought, so it is even now the most important product of the Cornish mines.

The annual yield varies considerably, being much reduced by any considerable reduction of price, and in a corresponding degree increased by an advance of price, the actual deposits being practically inexhaustible. With the present high price, notwithstanding a large advance in the cost of labour and materials, there are several considerable tin works now carried on at a profit, in which the crude ore contains but 4 or 5 lb. of black tin (the name given to the purified ore as sold to the smelter) per ton, and in one instance at least, near St. Austell, not more than 2 lb. In other cases, however, the whole produce of a mine, as first raised, is known to contain 4 per cent. of black tin. At Dolcoath, one of the largest and richest of the

Cornish tin mines, the average produce in black tin of the crude tin stone is about 2 per cent., and much of this is raised from a depth of several hundred fathoms.

The processes by which tin ores are prepared for sale, the various stampings, buddlings, and tozings have been often described, and cannot be further referred to within the brief limits allowed for this paper. It should, however, be remarked that tin ore is much more perfectly freed from its impurities before it is sold than the ores of copper or lead, or indeed those of most other metals. Having been dressed as well as possible, it is sold to the smelter as a brown powder, coarse or fine, sometimes darker, sometimes lighter, as the case may be, under the name of black tin.

The black tin is placed in bags holding about 2 cwt., and carted to the smelting-house by persons employed by the manager of the mine, and mostly at the expense of the mine adventurers. Once arrived the whole parcel is weighed, thrown out into a hutch and well mixed. Two samples are then taken for immediate assay, and on the results of these assays the whole parcel is paid for.

The assay weight is not any exact quantity, but it is nearly 2 oz., and is divided into 20 parts, the number of cwt. in a ton, and the produce of metal in the assay is reckoned as so many parts, 13, 14, as the case may be, in 20, instead of per centages. These of course would be arrived at by simply multiplying the produce by 5. The mode of calculation of the value of any parcel of ore is as follows:— The produce of the assay is perhaps $14\frac{1}{4}$ in 20. From this is deducted an allowance for cost of smelting, and waste called "returning charge," of generally $1\frac{1}{4}$, so that the net produce is reduced to 13. This net produce is multiplied into the "standard," a price fixed from time to time by the smelters, who assemble for the purpose, and which is always below the market price of fine metal, and the result gives the amount paid for the ore in tons. Then supposing the standard to be 141*s.*, the price of a parcel having net produce of 13 will be 141*s.* × 13 = 91*l.* 13*s.* per ton. This mode of calculation, like all other bargains between miner and smelter, is altogether in favour of the latter. The assay is made by the smelter or his agent. It is made on a small quantity, which never yields so large a per centage as the bulk, nothing less than $\frac{1}{4}$ in 20, or $1\frac{1}{4}$ per cent. is reckoned, and the "standard" and "returning charge" are both fixed by the smelter.

It should be remarked that the standards are four in number, at present as follows, varying with the quality of the metal or "white tin:" common, 142*s.*; superior common, 143*s.*; fine, 144*s.*; superior fine, 145*s.*

The returning charges are often different for different qualities, but they are generally believed by miners to be largely in excess of what is necessary. For ordinary ores the reduction is $1\frac{1}{4}$ in 20, or $6\frac{1}{4}$ per cent.; for superior ores, as much as 10 per cent., 15, or even 20 per cent. The quantities and value of black tin, or ore, as sold to the smelters, and of white tin, or metal, as obtained from the

ore, from the one natural mineral district of Cornwall and Devon, for the last six years, is given in the accompanying table (from the mineral statistics of Robert Hunt, Esq., F.R.S., and from private information). I have commenced from the year 1866, because it was near the close of an extraordinary period of depression. The mean average prices of tin ore are added, in order to show the relative of quantity and price.

	TIN ORE.		METAL.				
Year.	Quantity.	Value.	Quantity.	Value.	Price.		
		£		£	£	s.	d.
1866	13,785	£667,999	8,822	781,849	48	10	9
1867	11,066	549,375	7,296	670,228	50	18	0
1868	11,584	641,137	7,703	756,494	55	4	0
1869	13,883	889,378	9,356	1,138,488	69	16	0
1870	15,234	1,004,357	10,200	1,299,505	75	3	0
1871	16,898	1,068,733	11,322	1,556,577	—		—

This increase in price and quantity has been fairly maintained up to the present in spite of a considerable increase in the quantity of tin obtained from foreign sources; and, on the whole, no great reaction seems likely to result from any such foreign supplies, although tin is now sent not only from the Dutch settlements of Banca and Billiton, but also from Mexico, Peru, and New South Wales. It is true that the cost of labour and materials has risen greatly, and is still rising in Cornwall, so that the real is by no means equal to the apparent advance of price over that of some years since, but one may well hope that this will be to a large extent met by increased economy in the cost of raising, stamping, and dressing ores, and greater economy in the management of the smaller mines.

COPPER.

Cornwall by no means depends upon its copper ores for a livelihood, since, at the present time, not more than one or two copper mines are able to pay cost. Many of the better known deposits are worked out, and the low price of copper for some years past has by no means encouraged the search for new deposits. Besides this, too, and in spite of a few very rich deposits, Cornwall has never been so much a copper as a tin producing county.

The ores of copper are usually sold in a much more crude state than those of tin, the average produce of the Cornish ores being but little over 6½, while that of tin ores approaches 70 per cent.

The mode of selling and calculating the value of copper ores is somewhat more complicated than that already described as the mode adopted for tin ores, the calculation however being always referred to a standard, which varies from time to time. The standard for copper, however, is now calculated from the price, although formerly the price was based upon the standard. This curious anomaly has

arisen as follows*:—It was formerly the custom for the copper-smelters to contract with the miners to purchase their ores for a fixed period of from three to twelve months, agreeing to pay them for the same according to a standard price agreed upon between them, usually the selling price of tough-cake copper at the time of making the bargain. Out of this standard price, which was then what the tin standard is now, the miner allowed to the smelter a certain sum on every ton of ore sold, to pay the cost of smelting; this was called the "returning charge." For many years this returning charge has been, for ores purchased in Cornwall, 2*l.* 15*s.* per ton; formerly it was much more.

Besides this allowance, the miner always gives to the smelter the large proportion of 1 cwt. in 20, or 5 per cent., to allow for waste in carriage, &c., a ton of copper ore being always 21 cwt., as well as a variable number of pounds, usually guessed at, for the moisture contained in the ore.

The sources of the smelter's profits are the excess of this 1 cwt. in every ton over the quantity actually lost in transit; the portion of the 2*l.* 15*s.* returning charge not actually spent in smelting; and the surplus, or quantity of copper obtained from the ore in excess of that found in the crucible of the assayer, often considerable, and which, of course, varies with the skill of both assayer and smelter.

Originally, the ores were dressed to a pretty uniform rate of produce, when, of course, a uniform returning charge was quite equitable. After a time, however, ores were sent to market, some of a produce of 5 per cent. or less, others of 15 per cent. or more. The smelters soon saw that they had better buy the poorer than the richer ores, because it took a much less portion of the fixed 2*l.* 15*s.* returning charge to obtain the copper from a ton of poor than of rich ore. Now, the simple and natural mode of meeting this difficulty would have been to arrange a varying scale of returning charges, according to the produce of the ore; and if the old bad practice of selling by private contract had been continued for copper ores—as it has unfortunately for tin ores—no doubt some such remedy must have been found. Instead of this, the fixed returning charge remained the same, and the standard was made to vary with the varying produce of the ores; there being, in fact, at each sale as many different standards as parcels of ore of different produce, so that the term standard has now completely lost its former simple meaning. The whole system of sale was, in fact, soon superseded by the adoption of ticketings, the ore being sold by public competition, or, at least, pseudo-competition, and bid for according to its real value to the smelters, and not in accordance with any theoretical price deduced from an artificial standard and returning charge. The standard is now calculated from the price, and not the price from the standard: the buyer makes his offer without

* Partly extracted from "Percy's Metallurgy."

thinking of the standard; and when the sale is over, the average produce of all the lots is determined, and also the average standard.

For a time the modern standard still afforded a ready mode of comparison of prices or rates at which copper in the ore was sold, but at present it has not even this small value, as miners have long since learned that the comparison of the average standard of any two sales is but a small criterion of the price the ore brings, unless the produce is the same. Indeed, it is quite common to find even experts at fault, inasmuch as two such good authorities as the *West Briton* and the *Mining Journal* have frequently differed, one asserting that the standard at a given sale has gone up, the other that it has gone down.

These being the facts, it seems an absurd waste of time, not to speak of the confusion to which it gives rise, to go on gravely calculating and printing an imaginary result which has long ceased to have any meaning, and which frequently on the face of it conveys a false meaning.

A much more accurate result is arrived at by simply calculating the price given for each unit, or 1 per cent. of copper contained in the ore, "yet, strange to say, the mining newspapers, which quote the standards so perseveringly, fail to give this simple information."* Of course, this method is still defective, as it takes no notice of the constant quantity of 2*l.* 15*s.* per ton returning charge; but the formula devised by Sir Wm. Logan many years ago, and the more recent one of Dr. Percy, take this into account. Of these, however, space will not allow me to say anything further.

The sale and purchase of copper ores are carried on by means of the so-called "ticketings," without any direct communication between buyer and seller. The descriptions of these ticketings, written by Borlase and Jars about the middle of the last century, is scarcely different from what takes place at present, except in minor details. Jars' description is as follows.† "When there is ore to be sold in a mine, the agents (of the smelters) are informed that on such a day samples will be taken. Each agent then goes to the mine on the day appointed, and from each of the heaps of ore one is made the quarter of the quantity to be sold. From this quarter the samples are taken after the ore has been well mixed. Each of the agents (samplers) then puts some of the ore into a small bag—about the measure of a quarter of a bottle—in order to make the assay on which the price is fixed (calculated), the result of which is kept a profound secret until the sale takes place. This generally follows about a fortnight after the samples have been taken, when the adventurers in the mines, or their agents, and the agents of the smelting companies assemble and dine together. Each of the agents seated with the adventurers round a table gives in a ticket contain-

* *Mining and Smelting Magazine*, 1864. Equally true now that eight years have elapsed.

† Quoted in Delabeche's "Geological Report on Cornwall," &c., p. 540.

ing his offer for each kind of ore, specifying the weight of each heap, always expressed in tons. All the papers are then read aloud, and each person takes note of the offers which have been made," and he who in his ticket bids most has the ore.

All this sounds perfectly fair and equitable, but when we bear in mind that the ores are only assayed by the agents of the purchasers as a rule, and that the competition is limited to a very few forms, nominally about a dozen, but really three or four only, it will be seen that the advantage is still on the side of the smelter, although not perhaps so much as in the case of tin ores.

The following table* gives the quantity and value of the copper ores sold at the Cornish ticketings, which include the ores from the Devonshire mines, from June, 1855, to June, 1872, together with the average price of fine copper for most of the years, and the average standard for all. The number of mines at work is also given.

Year.	No. of Mines.	Tons (21 cwt.) of Ore.	Value.	Average Price of fine Copper.	Average Standard.
			£	£ s. d.	£ s. d.
1855–6	...	209,305	1,283,639	...	141 10 0
1856–7	118	198,697	1,276,844	124 0 0	140 0 0
1857–8	123	183,292	1,083,728	108 10 0	139 6 0
1858–9	121	183,944	1,079,075	110 7 6	133 6 0
1859–60	113	180,448	1,079,403	109 13 7	133 18 0
1860–1	116	176,097	1,013,400	102 12 0	130 1 0
1861–2	201	186,662	977,017	100 12 0	127 13 0
1862–3	190	176,285	872,474	98 17 0	120 9 0
1863–4	192	166,707	858,586	101 8 0	124 17 0
1864–5	179	164,940	806,833	94 7 0	125 3 0
1865–6	151	148,777	678,641	91 14 0	118 7 0
1866–7	132	125,679	547,689	82 8 6	107 1 0
1867–8	120	121,815	554,029	78 15 0	110 15 0
1868–9	102	103,199	430,749	77 10 0	103 3 0
1869–70	92	90,227	374,612	72 13 0	98 12 0
1870–1	...	74,367	292,122	77 10 0	99 11 0
1871–2	...	67,543	316,213	...	114 17 0

It will be seen that there is a pretty close relationship observable between the average standard and average price of fine copper, which is of course due to the very little variation in the average produce, which varies only between $6\frac{3}{8}$ and 7 for all these years. Of course, this can scarcely be otherwise, since the standard is, as before said, deduced from the price of the ore, and this is always calculated really from the price of fine copper.

It is quite plain, too, that the gradual lowering of the price of fine copper has directly resulted in a lessened supply from the mines. It should also be noted that the sustained high prices of 1859-60 led to a very large increase in the number of copper mines at work. A general improved tendency is evident in the more recent returns;

* From Grylls's Annual Mining Sheet, and from the Mineral Statistics.

and should this be maintained, no doubt the production will soon be increased as before.

LEAD.

The quantity of lead ore raised in Cornwall during the last few years has not greatly varied from an annual average of 8000 tons, nor has the price varied to any great extent. This quantity is but small as compared with the total yield of the United Kingdom, yet it is especially important because of much more than ordinary richness in silver. In this respect, too, the Devonshire lead ores resemble the Cornish. In 1870, for instance, the average proportion of silver obtained from the lead ores of the United Kingdom was less than 8 oz. per ton, while the ores of Cornwall yielded about 34½ oz. per ton, or 4½ times as much.

IRON.

The iron ores of the district are only now beginning to be adequately known, although they have been worked upon to a small extent for many years. Hitherto the low price of iron, the cost of freight, and the small facilities for local transit, have prevented the development of the Cornish iron mines, but the recent great advances in price having directed the attention of speculators and capitalists to these valuable and extensive deposits, many new ones have been discovered; considerable sums of money are being spent in providing facilities for transport, and we may fairly expect that the very great and marked increase in production which has already taken place will be maintained and largely exceeded. The accompanying table shows how the yield was allowed to drop from 18,683 tons in 1866, to 4619 tons in 1869. From this time the output has been rapidly increased, although the price remained low throughout the whole of 1870 and part of 1871.

Year.	Iron Ore.		Value.			Price of Welsh Pig.		
	Tons.	cwt.	£	s.	d.	£	s.	d.
1866	18,683	10	6,786	12	7	4	8	6
1867	6,426	10	2,003	11	1	4	3	9
1868	8,310	5	2,460	11	6	4	0	0
1869	4,619	6	1,810	10	6	4	0	0
1870	11,214	4	3,216	12	0	4	0	0

I have been unable to obtain complete returns for 1871 and the first half of 1872; but such returns as I have leave little doubt that the out-put in 1871 was at least equal to that of 1866, while those which I have been able to get for the first half of 1872, from four mines only, show that from these mines 8166 tons have been raised in six months, against 7757 tons for the whole of the year 1871. Hitherto Cornwall has been content to sell its iron ores by thousands of tons per annum, but the deposits are very large and numerous,

and I am persuaded that when they come to be properly opened out upon economical principles, and when the projected facilities for local transit are completed, hundreds of thousands and even millions of tons per annum will be raised and sold. Even though the price may fall—as it is sure to do by-and-bye—the centre of Cornwall must become famous for iron as it is already for China clay.

MISCELLANEOUS MINERALS.

The limits allowed for this paper will not permit me to dwell upon this subject. It remains only to remark very briefly upon the pyrites, gossans, and miscellaneous products of Cornwall.

During the year 1870 the out-put of these minerals, many of which were for long regarded as waste, and others as an intolerable nuisance, and are even now frequently overlooked when not in large quantity, was of the value of nearly 13,000*l.*, as shown below:—

	Tons	cwt.	qr	Value. £	s.	d.
Fine ore (blende) . . .	926	16	3	2,532	10	0
Pyrites (mundic) . . .	5,095	19	3	4,429	10	9
Arsenic	1,813	5	0	5,181	13	8
Gossans, &c.	181	3	0	142	11	6
Wolfram	50	17	0	653	9	5
	8,068	1	2	£12,930	15	4

Besides these minerals, Cornwall has from time to time yielded up small quantities of the ores of antimony, bismuth, manganese, cobalt, nickel, uranium, and other rare or valuable metals. Quite recently, it has been found that the tin ores from the Camborne mines frequently contain small quantities of cobalt, and that uranium is of no very rare occurrence, and we may well hope that with the spread of intelligence and mineralogical knowledge, the improvement in the means of separation of ores, greater facilities of transit, and better knowledge of markets, that a great deal may be added to the income of the county from sources at present scarcely regarded.

A few remarks upon what is being done for the technical education of the mining population of the county of Cornwall may perhaps not be deemed out of place before closing this paper.

Attempts at the establishment of a mining school at Truro were made by the late Sir Charles Lemon many years ago, but, in spite of a very liberal offer on his part, this and subsequent attempts have failed, as detailed in my pamphlet on the Mining Schools of Cornwall. These attempts, however, resulted in the establishment of the Miners' Association of Cornwall and Devon, in the year 1859, and this association has been ever since steadily at work in giving instruction to miners in a number of centres close to their very homes. The association has also done good in the diffusion of much useful information by means of its public meetings and discussions, and its reports and publications, but the very limited funds have been mainly expended in direct teaching.

It has also affiliated itself with the Department of Science and Art, and so secured a thorough and efficient system of examination for its pupils; and the annexed table gives an abstract of the numbers of those who have been successful during the past seven years :—

SUBJECTS.	1866.	1867.	1868.	1869.	1870.	1871.	1872.
Chemistry	12	15	12	24	30	23	44
Mineralogy	9	20	17	18	34	9	21
Geology	1	2	6	6	11	19	18
Mining	5	12	10	9	9	13	5
Theor. Mechanics	...	...	...	...	...	4	5
App. Mechanics	...	...	...	...	...	3	5
Steam	...	...	...	...	...	4	3
Electricity	...	...	...	...	...	2	—
Totals	27	49	45	57	84	77	101

During this time classes have been held at the following centres :— Redruth, Camborne, Helston, Liskeard, St. Just, Marazion, St. Agnes, Mount Hawke, Wendron, Tywardreath, St. Blazey, Losturthiel, Crow's Nest, Gunnislake, Pendeen, Breage, Gernoe, Carharrack, Hayle, St. Austell, Tavistock; and in some of these places for many successive years. No fewer than ten Queen's medals have been gained during this period by the pupils of these classes, mostly in mineralogy and geology.

At the present time there is a considerable and growing demand for young men who have been thus educated, and the association looks with pride upon many young men who have been thus enabled to obtain situations of trust and importance.

The Miners' Association has done all this by means of an income from subscriptions of less than 200*l.* per annum; but it is at present in debt to the extent of nearly 100*l.*, and is thereby prevented from increasing its usefulness by the establishment of a library of reference for its members, of additional classes in new localities, and by many other methods which are referred to from time to time in its reports. It is greatly to be regretted that such an admirable institution should be fettered from want of funds, and certainly with the present brilliant prospects of mining no such want should for one month be allowed to exist.

Existing Impediments to the Circulation of Labour, and Suggestions for their Removal. *By* ALSAGER HAY HILL.

IT will, I think, hardly be denied by any one that the circulation of labour, as represented by its results, is at the present time far from satisfactory. If we glance at the metropolis, which serves as a reservoir, if not as the common sewer of our labour currents, we

observe even at the most prosperous seasons a pauperism which is strangely inconsistent with our advance, civilization and this pauperism in its very fluctuations varying, by many thousands in the course of a single year, itself indicates how much of it is artificial, and might therefore be removed by more efficient organization. If from the metropolis we pass to the Midlands, towards which district labour not unnaturally drifts at the present time, we shall still find an amount of pauperism which again contrasts sadly with the reports of "leaping prosperity" and wealth of which we have latterly heard so much. In the Midlands, as in London, it may be at once admitted that a considerable diminution in the returns of pauperism has taken place, but there yet remains an array of ghastly figures in our blue-books which should frighten the most sanguine believer in an early millennium, and drive him back to seek some effectual methods for preventing such phenomena in the future. If, again, from the metropolis and Midlands we look for a moment at the agricultural counties we find in some ways a still more unsatisfactory condition of things, and in addition to a very heavy rate of registered pauperism, we are met on all sides by the statement that a large portion of the population is only kept employed in slack seasons by the kindness and generosity of the farmers, and not from the industrial requirements of the district. Without entering closely upon the justice of this statement, it is sufficient for my purpose to remark that a large portion of the population is for considerable periods of the year either entirely unemployed, partially unemployed, or dependent on the parish rate for its support. With respect to the dependent portion of the population it is unnecessary now to even endeavour to determine how far the pauper class is a necessary and permanent constituent of modern society. It is enough for my purpose now to recognize its existence, and consider shortly, as I now propose to do, how best it can be reduced or removed. With respect, then, to the existing impediments to the free circulation of labour in England, at the present time I may particularise first, though with great brevity, Ignorance, which lies at the root of all our social diseases, and which, in connection with my present subject, appears in the shape of almost complete unconsciousness of the existence and character of other parts of the world outside the town or village in which the labourer lies, this ignorance amounting in many cases within my own knowledge to an utter mental blank as to the commonest facts of local geography, and consequently of local industry. The new regulations under which some knowledge of county geography is to form part of the educational requirements of our national schools will do something to remove the impediment to the free circulation of labour on which I am now touching. Meanwhile the shores of the Dead Sea, and the distance in Jewish measurement from Jerusalem to Jericho, is far better known to the children of our working classes than the geography of the midlands or the road from Exeter to Bristol, or any other of our great centres of industry. The ignorance I have mentioned

can only be removed by slow process, but we may at least hope that these processes will be quickened by the creation of school boards in every district of the kingdom. The next important impediment to the natural circulation of labour I hold is to be found in the arrangements and constitution of our poor law. Apart from the larger question of the statutory provision for relief under all circumstances having a tendency to promote pauperism and consequent stagnation of labour, even the now modified law of settlement must inevitably have a tendency to keep labour unnaturally attached to particular places rather than to push forward into every fresh avenue that opens to the eyes of our industrial population. In addition to the injury to industrial life produced by the law of settlement, the creation of stoneyards and other temporary makebelieves to labour has, in my opinion, a most disastrous effect; and this opinion is strongly confirmed by the experiences of some of our best relieving officers both in town and country. It will be found that the complete closing of several of the metropolitan stoneyards has been attended with the best possible results, a large and intermittently dependent population having been quietly and economically absorbed into the labour-market without further expense to the ratepayers, or any practical injustice to the men themselves. On this branch of my subject, however, I had an opportunity of expressing myself more fully in a paper which I read before this Society at its last meeting, on "The Influence of the Poor Law in the Deterioration of Labour." Other ways in which our present poor law acts prejudicially on the circulation and labour, besides the more general ones which I have adduced, might be enumerated, but I prefer to pass on to a third important impediment with which we have still to contend in this country.

This is the dearness of locomotion, which still effectually prevents the ready flow and reflow of labour to places where it may be urgently though perhaps only temporarily required. It is satisfactory to learn that the reform inaugurated by the Midland and North Eastern Railways, now common on most lines, of placing a third-class on all ordinary trains, has been attended with good financial results, the only ultimate test of all social reforms, and is, therefore, likely to be continued and extended. It may be observed, however, that the luxury of third class return tickets has not yet been accorded, and I am not aware of any line upon which monthly tourist tickets for third-class passengers, which would be a great service to workmen going on distant jobs, have as yet been arranged. I may observe here that apart from the prohibition prices of railway travelling to many of our labouring population, the conditions incidental to what is known as tramping or taking the road, are, in addition to the physical exhaustion consequent on a long march and scanty rations, far from conducive to the moral and mental efficiency of the labourer. I will not now enter upon the difficult question of whether by any method of State purchase, or amalgamation, or otherwise, railway fares could be reduced to the almost nominal rate propounded by some. It is

sufficient for me to show that the existing arrangements are insufficient to meet the requirements of our industrial population. A further, and, as I think, a very important impediment to the circulation of labour at the present time is the strictly local character of too many of the provident and friendly societies to which the best portion of our working population belong. On some of the larger issues involved in this part of my subject, a paper by my friend Mr. Stratton on the "Post Office as a Method of Sick Insurance for the People," will probably throw some light; but pending the great and, as I venture to think, inevitable change advocated by Mr. Stratton and those who are working with him, it is well to observe somewhat closely the action which local societies, and I may add, especially local charities with provident and benefit features attached to them, most undoubtedly have in retarding the flow of labour. In the first place, not unfrequently, the benefits ensured for are entirely lost by removal beyond a prescribed district, while the very knowledge of probable removal or change has an unfortunate tendency in another direction to multiply the small yearly clubs, which divide at certain festive seasons of the year, and thereby not unfrequently leave the fortunate member in a worse state than before. I am aware that certain of the larger societies, such as the Foresters and Odd Fellows, have arrangements for transferring the benefit of subscription from one lodge of their order to another, but the machinery of even the best of these societies is still cumbered with tavern associations and other inconveniences, which do not allow of my removing them out of the range of my general observations as to the imperfection of their class in relation to labour. The influence of benefit and even provident charities in retarding the circulation of labour has been more than once strikingly demonstrated to me in the course of my inquiries during the last few years. In some cases persons have been known to wait for periods of some weeks for a share in some charitable distribution, which amounted at the most to a day or two's wages only, whilst on the general effect of mistaken charity in degrading and demoralising labour, evidence to almost any extent may be obtained from the various reports of the Charity Commissioners and other similar bodies. I have now briefly indicated a few of the chief impediments to the circulation of labour as my own experience has afforded them. I now pass on to a few suggestions for their removal, which have almost naturally offered themselves in my statements of the impediments to be removed. Under the first head of ignorance, and apart from the question of general knowledge, some further and special information with respect to the ever-shifting condition and requirements of the labour market is obviously required. This defect I have, in company with some of my friends, among whom I may specially mention Mr. Edmond Hollond and Mr. Hicks, endeavoured to rectify during the past year by the publication of the *Labour News*, but the information which we are as yet able to supply is far from being as perfect as I could desire, and without a higher intelligence on the part of those primarily interested

in its accuracy, it will be difficult to make it serve all the ends we have in view.

With respect to the information supplied by the various trades unions on the condition of the several trades, I may observe, most naturally, that this is only supplied to members, and is, moreover, as I know from careful inquiry, very far from being as complete as it might be. In some trade societies even the machinery for collecting this information is entirely absent, and only two or three of the most highly organized unions publish any facts or statistics beyond their annual balance sheets for the benefit of members. In the United States, as members are probably aware, bureaus of labour statistics have been established in Massachusetts and elsewhere, and amongst many visionary proposals of the International, a plan for the tabulation of summaries of facts relating to labour in its various departments deserves to be honorably excepted.

With the more complete organization of trade societies on sound economic bases, and less merely protective principles, I hope the question of labour registration, now a somewhat obnoxious subject, will receive further attention. Meanwhile the advertising columns of the London and larger provincial papers to a certain extent form a sort of rough-and-ready labour register for ascertaining the general relations of the supply and demand in particular districts. Under the second head, that of the poor law, I will only suggest the gradual abolition of the law of settlement, and the strictest possible limitation of out-door relief, as being essential to any improved condition of our labouring poor. This latter remedy, namely, a close limitation of out-door relief, has, I see, been enforced successively by representative meetings of guardians in all parts of the kingdom, and there is, therefore, some hope of its more general adoption at an early date. With respect to the abolition of the law of settlement more difference of opinion is likely to exist, but in its relation to the circulation of labour, I could not fail to allude to it. On my third point, the dearness of locomotion, I can only suggest and express a hope that the railway companies may shortly see their way to still further reduce fares, and to an extension of those periodical tickets for the labouring classes, the want of which I alluded to in an earlier part of this paper. Cheap periodical tickets are granted for pleasure purposes, why not for industrial. The other is, that increased traffic and more vigorous enterprise on the part of the labouring poor, would soon replace any temporary deficiencies, which must result from lowering fares and increasing return-ticket accommodation. With respect to the amalgamation, or may be, nationalization of our local friendly societies, I will say no more, though the experience of the best actuaries is, I believe, in favour of amalgamation, and not a few are now becoming converts to nationalization under any circumstances. Some substantial reform of these societies is imperatively required, and it is to be hoped that the Friendly Societies Commission now sitting may do something to hasten the result. With respect to the charitable societies with provident and benefit functions, I look to what is

known as the Organization of Charity to effect much, and to the gradual growth of enlightened public opinion more. On the general question I will only add that a recent most valuable paper, by Mr. Francis Neison, on the "Comparative Mortality, as influenced by Occupation," shows most conclusively, and, I may add, agreeably to the satisfaction of social economists, that the influence of even the more noxious occupations, both underground and in crowded centres, is, after a time, under a happy adaptation of circumstances and habits, reduced to a minimum, so far as increased mortality is concerned. Higher organization and closer scientific attention to this as to other social problems, will do much to remove obstructions to the general progress, and to bring about, amid infinite diversity of function, the well-being of the people. Under these better conditions, the circulation of labour must also be improved, and with its better circulation cannot fail to follow the truer life of the individual and the more harmonious development of society.

Meat Supply and Mutual Insurance. By CHARLES TATTERSALL.

AT a time like the present, when the high price of meat is engaging the earnest attention of consumers in every part of the United Kingdom to such an extent that it has become a national question, it is one that may profitably engage the consideration of such a meeting as this, having for its primary object the diffusion of such information as may best tend to procure a reduction of the charges which press so heavily on all classes of the community. Many reasons are suggested to account for the high price of meat: among the most important are the following, namely:—The comparative scarcity caused by the cattle plague, which, in the years 1865 and 1866, committed such ravages among the herds in many counties and districts of the United Kingdom; the frequently recurring and now prevalent epidemic of foot and mouth disease, among every description of stock; pleuro-pneumonia and other diseases, and consequent on these, the somewhat severe restrictions considered necessary by Government in respect to the importation of foreign cattle; and last, but not least, the increasing demand not only to meet the annual increase of the population, amounting to something over a quarter of a million individuals, but also the increasing demand for meat by the present population, caused by the increased wealth of the community, the advanced wages of the working classes, and possibly the greater strain on their physical energies requiring more support. The following statistics illustrate the increased consumption of each individual. In the year 1870, the 30,986,460 inhabitants of the United Kingdom consumed 1,364,902 tons of meat, or about 98½ lb. per head. In 1871, the 31,609,910 inhabitants consumed 1,447,181

tons, or 102½ lb. per head, being 4 lb. per head more, equal to an aggregate demand for over 1300 head of stock per diem.

Now, although the first of these items, cattle plague, was at the time very severe (and against which every precaution must be taken in the future), it is comparatively of little moment, when compared with the losses consequent on foot and mouth disease, which has seldom, if ever, been absent from the country since 1839. And although the actual mortality is only 1½ per cent. of the cases attacked, Professor Gamgee estimates that this mortality, with the deterioration caused to the other animals, and including the losses from pleuro-pneumonia, in the last thirty years will amount to no less a sum than 300,000,000*l.* sterling. This is so startling that one would almost think it exaggerated, but even if it is so, there can be no doubt that in the aggregate it must have reached an immense sum. With regard to the increased demand, when we consider that the population of the kingdom has about doubled itself in the last fifty years, and that only a comparatively small proportion of the 300,000,000*l.* sterling per annum earned by the working classes is accumulated by them, and that the increase of their earnings in the period named scarcely balances their increase of expenditure, it is plain that if only a fair proportion is spent in meat, that, without the supply equals the increased demand, a continual advance in price must be the necessary consequence. There are, therefore, two great questions for consideration, namely—

1st. Can we, from any source of production, increase the supply to such an extent as shall not only keep pace with but overcome the growing demand of the increased and increasing population? or,

2nd. Can we, by checking disease and by other means, attain the same object?

It is I believe possible to do so by a combination of these means, and thereby secure, not only an immunity from a possible meat famine, but obtain a reduction in the extravagant prices now prevailing. The report of the Veterinary Department of the Privy Council for the year 1871, lately presented to Parliament, while expressing much disappointment that so little has been done during the last thirty years to check the progress of disease in this country, goes on to comment on the probabilities of future supply, and states that there is not much prospect of an increase from foreign sources; the trade resting on so slight a margin that a difference of from *5s.* to *10s.* per head would possibly have the effect of keeping a large proportion of foreign cattle out of London altogether; for though the cost of transit from Holland to London is less than half the price of railway carriage from Scotland, still, as the cost of production is increasing abroad as well as in this country, so much so, that with the existing restrictions on foreign importations—even should they not be made more severe—producers and dealers are unwilling to encounter them, and this being the case, we can scarcely place any definite reliance on the increase of our foreign supplies. It further states that although our supply from Ireland far exceeds that from

the Continent (having for the four years ending December, 1869, been over 1,800,000 head of cattle, against under 800,000 head received from all continental countries together), that we may expect a larger supply from that part of the kingdom at a moderate cost. Still as it is thought by some eminent agriculturists that the infection and spread of cattle plague and other contagious diseases arise as much from the importation of such Irish cattle, any scheme that will tend to diminish the spread of disease is equally applicable to that country as to England; and if by doing so, and thereby lessening the cost of production in Ireland as well as in Scotland, so as to provide some equivalent for the extra cost of carriage to the great centres of consumption in this country, we shall be in a position, at all events, to a great extent to become self-supporting. There are also suggestions from official and other sources for the increase of our home supply by the cultivation of large tracts of waste lands in this kingdom, amounting to many millions of acres, by steam and other methods, and by utilizing the sewage of our populous cities and towns. These undoubtedly are large questions, and each of them worthy of serious consideration and separate attention; but as there are many difficulties to be met and overcome, it will be some years before any very large results can be obtained, particularly as the important kindred question of grain production would claim a fair proportion of such reclaimed lands.

Mr. Thompson, of York, recently stated that if the spread of disease could be so checked as only to save the lives of 2 per cent. of our stock, the addition of meat in our markets would be equal to the whole of our foreign supply. It is, therefore, clear that if we can do this, and also reduce our other losses, and are further prepared to meet scientifically any more outbreaks of rinderpest, and stamp out this and other contagious diseases; and if we can, by an adequate and equitable system of compensation for the losses actually sustained, and by the impression of a sound commercial policy, and inculcation of greater care and watchfulness among our meat-producing classes —the yeoman and tenant farmer; and as incident thereto secure the adoption of preventive and curative measures, by the establishment of hospitals in various places, and the encouragement of scientific research into the causes, symptoms, and nature of such diseases, by an organization having a national basis, the result must be a greatly decreased mortality and loss, and consequently a very large increase in our meat supply at a fair reduction in price.

Having for some years past given this matter considerable attention, I am convinced that the best way to obtain this desirable result is the formation of a national mutual cattle insurance corporation, in which those most interested shall take part, and thereby place it on so wide and secure a basis, that, worked on commercial, equitable, and economical principles, it must eventually become a great and enduring success. That such an institution has been much wanted is proved by the establishment of many societies under the name of cow clubs, and also of one or two local proprietary insurance

societies. From the failure of many of these it must not be considered that the principle of insurance is not applicable to this description of property, but rather the reverse, as it has chiefly arisen from their local character, and consequent small basis of average, the experience of all branches of insurance business being that essentially class or local offices have generally failed.

In addition to the considerations already named, there can be no doubt that such an institution is necessary in order that landed proprietors may be protected from loss of rent in periods of epidemic, cattle plague, &c., besides being useful in inculcating among the whole body of farmers habits of prudence and thrift, and by placing them on the same commercial basis as other classes of the community, enable them to bear the losses incident to their calling, without having recourse to the generosity or patience of their landlords, and even, as has happened, to the assistance of the county rates; for by this system alone can a perfect basis of average be obtained. I have, however, found from conversation with many practical agriculturists, that whilst all agreed that such an institution successfully formed and worked would be of great benefit, still they appeared to think that the difficulties of forming and working such a corporation would be almost insurmountable. Among the chief of them they cite—

1. The difficulty of obtaining anything like combined action, extending over so large an area as the United Kingdom of Great Britain and Ireland.

2. The proper classification of business, so that counties in which, as far as present experience shows, but small comparative loss has been sustained, should not be rated at the same premiums as those counties in which the losses have been much greater; and to go more into detail than even within the limits of such districts, the careful and experienced farmer should not have to pay for the losses of his careless, inexperienced, or even dishonest neighbour.

3. The difficulty of properly assessing the value of the cattle or other stock to be insured, that in case of death, or of loss from deterioration from disease not resulting in death, both parties to the contract might be satisfied with the settlement.

4. That a corporation having such extensive ramifications could not promptly and satisfactorily settle the losses incurred by the insurer, without, in many cases, laying themselves open to fraud, or of incurring so great an expense as almost to render the chances of fraud the lesser evil.

5. That it would be difficult to settle the claims of the insurer upon the corporation, and of the corporation upon the insurer, without creating antagonistic interests, as it is urged that to pay full compensation would be to put a premium upon neglect or fraud, and to pay much less than full compensation would be to discourage insurance.

In the formation of a company to meet these objections, it will in the first place be necessary to appoint, as agents to the corporation, the

agents or sub-agents of the landed proprietors (whose interest it is that their tenants shall be insured), or of practical farmers, nominated by them. Such agents will of course be paid a commission on the premiums they procure; and being in the interest of the landed proprietors and the corporation, will use the local information they possess to prevent the insurance of any questionable property; no company being obliged to accept the risks of careless or indifferent farmers. The next and a very important step would be the appointment in each county, or sub-division of a county, as became necessary, of a gentleman as district manager, whose whole time would have to be devoted to the service of the corporation, and who had been trained to a thorough knowledge of the value and diseases of cattle, stock, &c. This officer would be the direct medium of communication between the agents in his district and the head office, and it would be his duty, in the first place, to assess the value of the cattle proposed for insurance, and to report thereon to the principal office, in order that the necessary policy, whether specific, floating, or general, might be prepared. It would also be his duty to settle, in conjunction with the assured, or persons employed by them, all losses that might accrue, and in cases of epidemic or contagious diseases being reported to him, to visit the farm and district, and at once notify to the general manager the best means of stamping out the infection promptly. He would also collect data respecting each kind of disease, and the general mortality prevalent in his district, and report frequently and periodically to the head office all details of information, which it would be valuable to compile for statistical purposes. On this information, procured from his agents and all other available sources, would be prepared the tables of rates for premiums, whether for death or deterioration, as it will be necessary that each description of insurance should be kept in distinct classes; such premiums to be modified and corrected from time to time. It is proposed that whilst paying good salaries to such district managers, and defraying their travelling expenses, they should also derive additional income from a per-centage of the profits of their several districts, so that good practical men would be found, as in other companies, to undertake the duties, and as their best interests would be solely those of the corporation, their utmost ability and vigilance might in most cases be relied upon. It might also be found advantageous to offer substantial prizes at the Veterinary and Agricultural Colleges, for students specially educated to fill such positions. In order to meet the antagonistic interest which might arise between the corporation and the insurer, in all cases of improved value it might be desirable to insure a large per-centage only of the value of the cattle, say 75 to 80 per cent., making it a condition of insurance that the assured should participate largely in the value of the salvage. This would have the effect not only of inducing the insurer to go on improving his cattle, but in cases of accident and disease, to give the most timely notice to the agent, and do his best to make the salvage in which he would participate as valuable as possible, thus reducing both his own

loss and that of the corporation. In cases of deterioration, it will be necessary to arrive at some standard of payment per head, according to the stated value of the animals insured, in order that the loss may bear a fair proportion to the premium paid.

In thus stating the system of agency and management to be adopted, no indication has been given as to the class of corporation to be instituted. This is the next matter for consideration, and, together with it, the question of how best to give it a truly national character and basis. It may be asked, what system of insurance should be adopted, there being for most other classes of insurance two separate and distinct systems, namely, the proprietary and the mutual? The profitable working of this, the proprietary system, in the fire, life, and marine insurance offices, is specially shown by the wealth and importance of the principal insurance companies, whose large accumulated resources are not so much due to their paid-up capital as to their surplus profits realized from the premiums of their policyholders; and when we add to this the large dividends paid by the greater part of them to their shareholders, as well as their heavy working expenses, consequent on the fierce competition that has for many years existed between them, it is evident that the proprietary system is certainly not for insurers the most economical. It is proposed, therefore, to adopt the mutual system, which has this most important advantage in a new and comparatively untried business, that with a proper classification into districts, counties, and distinct departments, if the rates charged at first be too high, the surplus, after the payment of working expenses and losses, is the property of and divisible among the policyholders or insurers rateably; and as, under this system, those most interested are themselves the governing and subscribing bodies, it must best meet the needs of the whole community, as all are mutually interested in keeping down not only the actual losses, by the most prompt and effective measures in the case of epidemics, but also in maintaining at a minimum the working expenses. The mutual principle being adopted, it is suggested that a corporation should be formed on the model of the Mutual Fire Insurance Corporation Guaranteed, of Manchester, which has, during rather more than two years' working, successfully proved the advantages of the principles on which it is founded. The corporation would be styled "The National Mutual Corporation for the Insurance of Cattle, Live Stock," &c. It would have a guarantee fund of 250,000*l.*, in amounts of from 250*l.* to 1000*l.* each, to be subscribed by the principal landowners in each county throughout the kingdom, who shall receive a bonus, calculated as interest at the rate of 2 per cent. per annum, while such guarantee exists, without any call being made; but should the occasion arise for the said guarantors to find all or any portion of their guaranteed sum, they shall receive, in addition to such bonus, for the amount actually found, interest at the rate of 3 per cent. per annum during the time it is advanced. All the guarantors to be liable rateably on their subscription. It will be seen that whilst

the guarantors are not called upon to advance their money without security, or to give it to their tenants, still they have a direct personal interest in the matter. The board of management would be elected annually from the largest guarantors and insurers. In order that the profits, and, if it should so prove, the losses, may be equally distributed, it will also be necessary to form a board of trustees, as through this body the guarantors must be protected by a bond executed by the trustees acting on behalf of the general body of policyholders of the association, from any but a rateable loss on their own insurances, and also for the payment of the guarantee bonus. As soon as the body of guarantors is formed, the corporation will be enabled to commence operations, and steps are being taken to obtain such data as the present and defunct associations supply to afford a basis of rates to be charged. It is suggested that, in the first place, the rates charged should be as high if not higher than those of the existing local successful societies, whether proprietary or otherwise, as, after the payments of claims and expenses, and the formation of a reserve fund to take the place of the guarantee fund, each policyholder will be entitled to his rateable share of the annual surplus. It may be said that in the scheme I have thought too much of the insurance and commercial element; but I contend, that from the varied information collected and compiled by the officers of the association, who would be by this system directly and mutually interested with the members, insurers, and guarantors, in keeping down the losses of the corporation, such valuable information would be obtained as would soon become not only of vital importance, but of great national benefit in the prevention of epidemics and disease, by leading to the means of thoroughly careful and scientific investigation throughout the length and breadth of the land, to the adoption from time to time of the best proved and most efficient sanitary measures, from which not only the producer but the consumer and all others interested must alike profit. In conclusion, I think the portion of your valuable time which I have occupied may not have been entirely wasted, and beg to say that if in anything I have not made myself clear, I shall be glad to afford any further information in my power, not only respecting this country, but also of similar mutual associations in Germany, which length of time would not allow me to include.

The Laws Relating to the Licensed Sale of Intoxicating Liquors in England and Ireland. By the Rev. S. A. STEINTHAL.

THERE is no section of our Association which is not compelled to take an interest in the subject which I have undertaken to bring under your notice to-day; because, though my paper is to deal with the law as it at present regulates the sale of intoxicating drinks, it is not simply as a matter of municipal legislation that it

claims our attention. Every one interested in the prevention and repression of crime knows only too well that the public-house, by the drink sold in it, is the chief cause of a large class of offences, and that intemperance, by its demoralizing influence, is closely connected with nearly every breach of criminal law. I will not repeat the quotations from judges' charges, grand jury presentments, &c., which to some are wearisome from their constantly reiterated condemnation of the drinking habits of the people. I will not cite the reports of prison chaplains, of police authorities and magistrates, with painful uniformity telling the same sad tale; we are all aware that drink and crime can nearly always be put together either as cause and effect, or as concurrent sources of evil as well as *mala per se*.

The advocate of popular education knows nothing so powerful in keeping children from school as the intemperance of parents, an evil more detrimentally affecting their interests than the unfortunate greed of gain, which sends so many to work before they have received even the merest elements of instruction. The experience of every school board can be quoted to show that in a very large proportion of cases the compulsory bye-laws are only needed against those parents whose culpable self-indulgence has hitherto deprived their children of the advantages offered by the public elementary school. The sanitary reformer knows, as but few others can know, how many evils spring from intemperance, how whole classes of disease are intensified by the drunken habits of the sufferers, how lunacy can be frequently traced to this same fruitful source of misery; and while he justly speaks of the evils of overcrowding, of ill-ventilated and badly-drained dwellings, as creating an unnatural craving for unwholesome stimulants, he sees how the improvident expenditure of money upon those stimulants drives thousands who might be better lodged into the very plague spots which keep alive the disease that has ruined their inhabitants. In our own section, where we deal with pauperism, its treatment, and its possible cure; where we deal with the economies of production and trade, we have, time after time, had to recognise the fact that intemperance is the great preparer of recipients for pauper relief; that even the miserable dole of the guardians is worse than wasted in strong drink, while the unprofitable expenditure by the community at large, a sum estimated at above 100,000,000*l.* per annum, keeps down productive industry, and loses an incalculable capital in time and strength taken from active employment and squandered in idleness and dissipation, weakening for future usefulness, as well as temporarily disqualifying some of the most valuable producers of wealth. When, in addition, we reflect upon the present high prices of all provisions, it becomes a question for us of no small importance whether 60,000,000 bushels of grain cannot be more usefully employed every year than in the production of beer and spirits? These undeniable facts have not been unrecognised by the Association; our Council has, time after time, appointed committees to consider what changes in the laws affecting the sale of intoxicating

drinks were necessary and practicable; at our annual congresses we have, from our first meeting at Birmingham to the present, always devoted some of our only too scanty time to the subject. We have passed resolutions, our committees have drafted memorials, and we have had communications with Government about proposed amendments of the law, so that we do not come to-day to the consideration of this matter with untried minds to take up a novel subject, or to create an interest in an unheard of problem.

During the last session of Parliament an Act was passed for regulating the sale of intoxicating liquors, amending the law as it existed in England and Ireland, but not affecting Scotland. I intend briefly to lay before the section the leading features of this measure, to compare them with hitherto obtaining regulations, and the amendments suggested by our own Association as well as other societies, in order to see whether a satisfactory result has been obtained, and what further changes are still needed.

Before doing this, I may in a few sentences state what are the main features of the Scottish licence laws, as that country is not included in the operations of the Act. The principal Acts under which licences are granted, and the sale of liquors regulated, are those passed in 1828, 1853, and 1862. By these all retail sale of liquors is prohibited, excepting when the vendor has obtained a certificate from the licensing authority. This licensing authority is in counties the justices of the peace, and in burghs the magistrates. These latter are the bailies, who are elected by the town councils, and they are consequently elected magistrates, liable to continual changes. They are also limited in number, in the largest cities and towns not exceeding six or eight. The licensing sessions are held twice in the year, but the licence granted is the same as in other parts of the empire, granted for one year, and for that period only. Both applicants for licences and opponents to their grant are able to appeal from the local benches to the counties. The Beer Act of 1830 did not extend to Scotland, so that the anomaly of one class of liquor retailers being authorized by the Excise, and the other by the justices, has not complicated the Scottish system. The hours of sale have, since the 1853 Act came into operation at Whitsuntide of 1854, been much shorter than in England. The sale on Sundays has been prohibited, and during the week eleven p.m. has been the closing hour, and seven and eight a.m. the opening times, varying according to the directions of the licensing authority. It will be seen from this brief outline of the system obtaining in Scotland, that to have placed Scotland under the provisions of the new Act would have been a large step in a retrograde direction as to limitation; and we may safely aver that all the improvements claimed for the new Act fail to bring it at all up to the standard which has been in existence in Scotland for many years.

I think that no one will carefully look at the new Act without feeling intense disappointment that the Legislature has not taken the first great step which was needed with regard to licensing law

as it also is in so many branches of our jurisprudence, I mean the codifying in one Act of all enactments referring to the subject. By repealing parts only of previous measures and leaving the remainder in force, another Act has been added to the many already in operation, and some time must necessarily elapse before we shall fully understand what the exact operation of the law will be. In addition to the necessary result of this want of codification, the haste in which the Bill was finally passed through committee, has left several inconsistencies and inaccuracies in wording, from which no doubt plenty of work for legal ingenuity will arise, most likely necessitating, quite apart from the consideration of more essential amendments, a reopening of the whole question in the coming session. Indeed, several clauses have already become subjects of appeal from magisterial decision to the higher courts.

The new law is, I am glad to see, much more stringent in the enactment of penalties on offences against public order. The old established "five shillings and costs" for drunkenness is increased, and drunkenness combined with disorder, or under circumstances causing danger to the community, renders the offender liable even to imprisonment with hard labour, at the discretion of magistrates (c. 12). By clause 13, permitting drunkenness subjects the licensed person to heavy penalties, for the first offence a fine not exceeding 10*l.*, for a second or subsequent breach of the law not exceeding 20*l.*, with the additional enactment that such conviction may be recorded on the licence; while by clause 30, a third conviction of any offence which is directed by the Act to be recorded on the licence entails the forfeiture of the licence, and a disqualification for holding a licence for five years from the date of the third conviction; and, in addition, it is put in the discretion of the court, that the premises themselves may be disqualified from receiving a licence for two years. The recognition of the owners' responsibility is of undeniable value as a safeguard against disorderly houses. While as against licences granted to persons after the passing of the Act clauses have been inserted, owing, I believe, to the invaluable suggestion and persevering firmness of one of the members of the council—Mr. William Rathbone, ably supported by another member, Mr. George Melly—which will certainly bind the owners of licensed houses under heavy penalties to watch over the maintenance of order in their property, as the record of convictions is to be maintained even when a change of the holders of the licence places the management of the houses in different hands. I have not time to enter upon a closer examination of the other details of increased penalties.; but one clause is certainly valuable, as it renders it a punishable offence for any licensed person to allow his premises to be the habitual resort of reputed prostitutes, whether the object of their so meeting is or is not prostitution.

By the 45th and 46th clauses, an increased value is required to qualify for new licences, and for the renewal of licences granted under the Acts authorizing the sale of beer or wine for consumption

on the premises; and it is hoped by many that under these clauses a large number of the lower class of beer-houses will be struck off the list of licensed houses. Indeed, as I read the Act, these are the only clauses by which a limitation of the number of licensed houses is aimed at by the law.

The most important alterations I have reserved for consideration to the last—they refer to the hours of opening and closing, and to the constitution of the licensing authority. With regard to the first point a new principle is introduced into this measure, or, rather, the principle of the Public-house Closing Acts of 1864 and 1865 receives a new application. By that measure the local authorities of boroughs, and places under the Local Government Acts, were enabled to order three hours of closing licensed houses which the general law had not appointed. Under the new law, the justices have, at licensing sessions, the power of altering the hours fixed for opening or closing after having given twenty-one days' notice to their clerk as to their intentions. The limits to which their authority extend are seven o'clock in the morning and ten at night on week days, and on Sundays they are able to restrict the sale to five hours. With these restrictions no less than fourteen variations are possible—the extreme length of time during which houses may be opened being from five to twelve on week days, and seven hours may be granted for trade on Sundays.

The clauses referring to the licensing authority introduce a very great and important change, although the proposal made in favour of elective licensing boards, once sanctioned by the committee on licensing appointed by this Association, and subsequently adopted by the National Association for Promoting the Amendment of the Laws relating to the Liquor Traffic, and incorporated in the Bill introduced by Sir Robert Anstruther, Sir Harcourt Johnstone, Mr. Thomas Hughes, and Mr. Morrison (one of the vice-presidents of our section), has not been accepted by Her Majesty's Government.

The law at present enacts that in counties the justices in quarter sessions assembled shall appoint a licensing committee, without whose confirmation no grant of a new licence shall be valid. In boroughs where there are ten acting justices, licences shall be granted by a committee appointed during the fortnight prior to the annual licensing meeting; but no licence granted by this committee shall be valid unless confirmed by the whole body of justices, or by a majority present at a meeting assembled for the purpose of confirming such licences.

In boroughs where there are not ten magistrates, the whole bench shall be the licensing committee, but the confirmation is required of a joint committee of three borough and three county magistrates, appointed for the purpose in the first case by the whole borough bench, and in the second by the county licensing committee. The appeal which existed under the old law, by which an applicant for a licence could, when refused, go before the quarter sessions, is abolished by the new Act.

It is necessary here to say. that though the Act applies to Ireland, these changes respecting licensing authorities do not affect that country. The provisions of the Act in respect to illicit sales, offences against public order, adulteration, repeated convictions, entry on premises, six day licences, legal proceedings, miscellaneous and saving clauses, do affect Ireland; but the method of granting licences remains unaltered, and that is, to a large extent, what it was in England until this year. There are, however, peculiarities regarding the granting of licences not to be seen in either England or Scotland. The Recorders of Dublin, and one or two other places, have the sole responsibility of granting the certificates; and more frequent opportunities of obtaining the certificates are provided than even in Scotland. In some cases there are as many as four licensing sessions in the year. The hours fixed for sale in Ireland are shorter than in England, and there is no elasticity or local option given to the magistrates. The hour of opening on Sunday is two p.m., and for closing nine p.m. In towns of under 5000 population, the hour of closing is seven p.m. The sale on other days is from seven a.m. until eleven p.m., and in towns of under 5000 from seven until ten p.m.

When we compare the new Act with the recommendations adopted by the Council of our Association in the reports of the special committee it had appointed, we must be gratified to see that some of our suggestions have been adopted, and that others have, though in a modified form, been more or less met by the new enactments.

In the first place, the suggestion which was made, that all licences should be issued by one authority, and that this should be the justices in petty sessions, is now the law of the land. The recommendation to appoint a licensing committee to take the place of the whole bench was, I believe, first suggested by our committee, and though it has been adopted by the Government only in a modified form, is even now a valuable improvement upon the old plan. The value of houses to be licensed for the sale of beer has been increased. Our committee suggested the issue of special licences for Sunday sale; and the institution of a system of six-day licences is a step in the direction of our recommendation. In order to secure equal justice, our committee suggested that the right of appeal to quarter sessions be extended to persons objecting to the issue of licences; the law meets the spirit of this recommendation by doing away with the appeal in all cases of new licences. Our committee recommended the forfeiture of a licence on a third offence against the Licensing Act. The law enacts this forfeiture, but makes the endorsement of two convictions in the licence a needful preliminary. Our committee and the new law both give the licensed victualler the right to call in the aid of the police to remove disorderly persons. It is not possible for us to see so many amendments approved of by our committee becoming part of the law of the land without some gratification; and we shall, I think, not be altogether unreasonable if we think that our debates, year after year, may have assisted in their adoption. That so many of our suggestions remain as yet unadopted is not dis-

couraging, especially when we remember the haste in which the Act was passed, and the evident desire of its promoters to avoid the introduction of anything like novel ideas into the debate.

Before drawing my paper to a close, I must, however, call special attention to one feature in the new law of great interest. I have alluded to it once or twice already, but it points out the direction in which popular legislation is tending; and its beneficial or injurious results must be watched in order to develop or check its application in future amendments of the law. The abolition of the appeal to quarter sessions is justified by the fact that the first decision against the grant of a new licence is given by those who, living in the district, are more likely to be well acquainted with the real wants of the neighbourhood, than gentlemen gathered from all parts of the county can be. There is here, therefore, a more direct and emphatic recognition of local option than has been previously accepted in legislation upon licensing. The discretion given also to the magistrates in fixing the hours of opening and closing licensed houses, though not very wide, is given for the very purpose of introducing an elastic authority, which can be applied to the varied requirements of different districts. It is well known that different localities have different usages, and what may be suitable for Bradford may not be desirable for Bodmin. The law throws upon the magistracy the responsibility, within certain limits, of fixing the times of opening and closing. We have already seen in different towns and districts that the justices have debated these points, and have come to different conclusions. Deputations of working men, of clergymen and philanthropists, of employers of labour and licensed victuallers, have waited upon the authorities, and have laid each their own special opinions before them. Public meetings have been called, and have passed resolutions, some in favour of the utmost stringency allowed by the Act, some in favour of the most extended hours. I can well imagine that as the justices have received these opposing memorials they have felt themselves placed in a very difficult dilemma. I have known gentlemen who believe that just as the facilities for obtaining drink are increased or diminished intemperance increases or diminishes, but who are also of opinion that restrictions which go beyond what the public opinion of a district is prepared to accept, only arouse dissatisfaction and endanger the public peace, and who, in the inevitable uncertainty under which they are called upon to administer the law, have taken the hours suggested by the Act, six in the morning and eleven at night, though they were morally convinced that it would be more conducive to the common weal if the houses were kept shut till seven a.m. and were to be closed at ten p.m. But the Act gives them no means of formally and efficiently consulting the wishes of the inhabitants and learning their opinion. It is possible that a large majority of the people in Liverpool and Manchester would prefer the limited hours, it is possible they would not, and so the magistrates are obliged to act in the dark. Local option is recognised by the law, but in such a form as to be

uncertain and variable. A popular vote upon the subject would relieve us from many difficulties, and would enable the magistrates to act restrictively just as far as the sentiment of the community was prepared to support them.

This popular vote is not only needed in England to guide the justices, but it is equally the absolute necessity for Scotland and Ireland, with all the diversities of licensing which are to be found in these countries; and it is a remarkably interesting fact, that whilst in England there have been efforts to get the licensing system brought into something like a uniform state as regards public-houses, beershops, and grocers' licences, in Scotland all this has long been accomplished; and the demand for improvement has taken the form of a persistent claim for power to say whether licences were to continue to be granted —power in fact for the people to say whether it was "fit and meet" that the sale should be perpetuated in their parishes and districts; and, when the people did not desire the sale of liquors, that it should be illegal for any licensing authority to force the sale upon an unwilling community.

I can well imagine that when these clauses have to be reconsidered in Parliament, as they will be whenever the Act again comes before the Legislature, so moderate, and, as it appears to me, so judicious, a suggestion will not be left out of sight.

But, in addition, is not the restriction introduced by the Act—according to which only those magistrates who are supposed by their local knowledge to be able to judge of the requirements of a neighbourhood are to decide upon the granting of licences, without their decision against a grant being subjected to the revision of quarter sessions —a step towards recognising the justice of the plea so frequently put forward and recognised time after time by this section, and also by our committee on licensing, as well as by the Council of the Association, that it is unjust as well as unwise to force the sale of intoxicating liquor upon any district that does not desire these houses? But while the principle is recognised, the Legislature has lacked courage to carry it out; and yet, what danger could arise from so simple an enactment? With regard to the hours of opening and closing, the licensed victuallers have appealed to meetings—some said to be public, some called with limitations as to admission—of working men, and have from them sent memorials to the Bench; and have passed resolutions appealing to public sympathy for support. Temperance and Alliance men have done the same, and men belonging to neither of these sections have taken exactly the same course in some districts of the country. But as all these meetings and all these votes were without official force, the justices have not been able to decide what attention should be paid to them. All we know is, that all classes seem to think that the final decision ought to lie, both as to the existence of the houses and their hours of opening and closing, with that public in whose behalf they are said to be opened, and for whose convenience they are supposed to be established. It is, therefore, in no mere desire to gratify the wish of any one pe-

culiar section that I would recommend that, as an essential amendment to be inserted in the law, clauses be drafted which would enable any district to protect itself against the opening of a drink-shop, if it objected to its establishment in its midst. Why a locality that needs no drink-shop—which thinks it will be more law-abiding, more likely to advance in mental cultivation, freer from disease and pauperism, without any temptations to intemperance in its borders—should have a house of the kind forced upon it I am unable to understand; and I trust the day is not far distant when our Government will secure for us this simple but invaluable means of justice.

Social Progress in India; or, India as a Field for the Study of Social Science. By ILTUDUS T. PRICHARD.

THOSE of you who are in the habit of taking a part in the proceedings of our scientific and philosophic societies in London, will have realized the extent to which attention is being directed to India, as a field for research into the various branches of natural science. The contributions which India is capable of affording to the study of archæology and ethnology, and to the elucidation of those difficult problems raised by the traces of prehistoric times found in Europe and America, are beginning to be feebly appreciated by scientific men. Those of you who were present at the British Association at Brighton will readily recall to mind the attention with which they followed the interesting papers and addresses delivered in Section E, presided over by Mr. Galton, on the physical geography of India. But rich as is the field which India affords for the study of all these subjects; wonderful as are the aspects which that country presents to us, with its vast forests, its extensive and diversified fauna, its lofty mountains with their gorgeous scenery of snow-clad peaks and rocky precipices, its gigantic rivers, its magnificent architectural remains, whose origin and design, if we could trace them, would throw a flood of light upon one of the most interesting periods of the world's history; difficult and important as are the problems it presents for solution to the political economist and the legislator, it opens—and this is the point I wish mainly to insist upon now—perhaps in India a more fertile field for the practical study of that science which it is the special purpose of this Association to encourage and assist. For here you may see and study, as the naturalist loves to study, minute organisms with the aid of the oxyhydrogen microscope, which throws a magnified representation of the structure he wishes to examine upon the field of vision; here you may see and study the practical application of those principles of social science with which abstract reasoning has made you familiar; to society in every class almost of civilization, and under almost every conceivable condition, and on a magnified and exaggerated scale. Here you may see those principles being applied by the course of

events to the actual development of society under circumstances and conditions that are probably unique. And here, also, you will come across social phenomena so different from all you have been accustomed to, as to appear startling and unaccountable, until you have looked below the surface, and ascertained the causes that are at work in producing them. But can the student of social science be altogether indifferent to the intellectual aspect of India? where the human mind is, under conditions utterly different from those we meet with in Europe, yet being acted upon by the very same influence that was in active operation among ourselves. For those who know anything of Indian society below the surface are aware that a great movement is going on, the result of which cannot possibly be foreseen, and the importance of which cannot possibly be overrated. But of this you may rest assured, that a movement of thought, an awakening to intellectual life of a hundred millions of people, is a force that cannot be without its influence on the destinies of the human race. And I want to see the English public aroused to take an intelligent interest in what is passing in India, and to exert itself, and, so far as may be possible, to control the mighty agency that is at work for good or for evil, to lead into a healthy channel the spirit of inquiry that is now aroused to assist, as far as possible, the efforts towards enlightenment and progress generally, which is taking place over the whole continent.

Movements of this kind have been witnessed many times before in the history of mankind, rarely, at any rate, in our own age, under more peculiar and striking circumstances. They assume various phases, though springing from the same source; at one time political, at another social, at another religious. The motive principle thirteen years ago exhibited itself in political ferment; since then it has taken another shape, and we now find it most active in the circle of social reform and religious speculation.

At present it is too early to attempt to prognosticate with any degree of certainty the course of this movement. Of one thing I think we may be sure, the old fetters of idolatry and superstition once cast aside will never be resumed; and the iron framework of caste which, however well it may have been adapted to the conditions of social life in former times, is now out of date, when once broken up will never be reconstructed.

When I look at the objects which this Association lays itself out to accomplish, I cannot help seeing that there are very few which are not capable of being studied to great advantage by discussion of those social problems which India presents to us. For sure I am that the more we extend the field of inquiry on such questions as the principles of jurisprudence, the advancement of education, the prevention and repression of crime, the reformation of criminals, the adoption of sanitary regulations, the diffusion of sound principles of political and social economy; the more we endeavour to bring together the various societies and individuals who are engaged or interested in furthering these objects, and to elicit by discussion the

real elements of truth, to clear away doubt, to afford a common ground for the interchange of trustworthy information on the great social problems of the day, the greater will be our chance of arriving at satisfactory conclusions; for I hold that all discussion and all scientific inquiry is valueless that does not aim at accomplishing practical results, in the relief of suffering, and ameliorating the condition of our fellow men.

In a paper of this kind it is possible for me only to deal with general principles. Into details it is impossible for me to enter. I will, therefore, address myself to replying to two objections which I anticipate may be raised to my proposition. The first, that the field for the operation of this society is so wide, and the social problems raised by the conditions of society in the United Kingdom are already so many, that an attempt to widen the basis of inquiry, by entering another and a distant field, would serve but to distract attention from more immediate and pressing claims. And the second objection is akin to the first, namely, that India is a distant and a foreign country, whose social condition is a subject too difficult for the members of the Association to attempt to study, just as are its political and financial conditions beyond the capacities of our statesmen to master.

But assuredly those who undertake the office of educating the public mind in the principles of science, whether natural or social science, should themselves not ignore the fundamental principle of all philosophy, namely, that science is cosmopolitan. What hope would there be for the student of natural philosophy who should set himself to work to construct theories upon data obtained from the natural phenomena of our own country, and refuse to investigate those which other climes and distant regions have to offer? No more apt illustration of this fatal error in scientific induction can be afforded than the history of geological speculation. Those who are acquainted with the various phases through which geology has passed since its birth as a science, are aware that the too hasty deductions from investigations into phenomena within the comparatively narrow limits of the British islands, have had to be repeatedly modified by the conclusions forced upon us by researches into the geological phenomena of other countries.

But if scientific inquiry, that is limited in its field of investigation to so small a portion of the physical world, is liable, by the very fact of its being so limited, to lead to error, how much is the danger of erroneous conclusions enhanced when we come to deal with that science which, if it is true to its principles, should own for its field of inquiry every section of humanity where there is suffering to be relieved, crime to be decreased, education to be imparted, the laws of sanitation to be enforced, and the general social improvement of the race to be effected? Truly, if it may be said of any science that it is cosmopolitan, it may be asserted of that branch which the members of this Association claim as their own. Our sympathies are not to be confined by limits of either political or physical geo-

graphy. And as to there being danger of distraction of attention and waste of force in extending our inquiries into social problems to the field of India, I can only regret that time will not allow me here; but if my proposition should be endorsed, an opportunity may be afforded me hereafter to show, as I would engage to show you, how every one of those problems which it is your especial aim to study and to solve, may be elucidated most effectually by a study of the conditions now existing in the social systems of India. Indeed, I would go farther, and assert that many of these problems can be studied by observation of the social system in India in a way they cannot be studied in the comparatively narrow field of your own country. For whether you turn your attention to repression of crime, to dealing with secret societies associated for criminal purposes, to dealing with criminal classes; whether you turn your attention to the effect of sanitary laws, and the terrible Nemesis that follows close upon a neglect of them; whether you study the effect upon population of peculiar laws of marriage, of concubinage, polygamy, and of a custom, altogether strange and unknown in this country, of polyandry; whether you would observe the effect upon society of that condition, not altogether unknown to us, but known to us in this country in a very mild form as compared with what we see in India, caste; or whether you would test the accuracy of the belief in the universal application of certain principles of political economy asserted by our greatest writers and generally believed, and, as I could show you by fact and data derived from India, erroneously so believed, to be of universal application; you will find all these and many kindred subjects of inquiry, all interesting and important, elucidated and illustrated in the social systems of India to an extent which is attainable by the study of the social system of no other country.

Nor can it be admitted that the distance and separation of India from Great Britain is a bar to its being accepted as a legitimate field for the operations of this Association. Philosophy knows no physical or artificial barrier to its researches. Physically, indeed, India is separated from Great Britain, for the waters of more than one sea roll between us. But politically we are one; and ever since the Queen's proclamation of 1858 annexed British India to the empire, the people of that country have been your fellow-subjects in a sense in which even the population of our colonies, although allied to us personally much more closely, are not, and can never be. India now is a part of the British empire as much as Ireland; that large and numerous branch of the great Aryan race is now politically one with us. I dare not trust myself to urge on you those considerations which arise from a sense of the advantages which England derives politically and commercially from her Indian possessions; nor is it within the scope of my remarks to do so, for I rest my proposition rather on considerations addressed to you as votaries of science than as politicians. Still, as Englishmen, you cannot but be keenly alive to the interest, the reputation, the in-

[illegible] and the general prosperity and welfare of the British empire. Believe me, for I cannot stay now to prove the point by statistics, the commercial interest and the political influence of the British empire are more dependent than most Englishmen are willing to believe, upon her connection with India. Nor will I venture to do more than allude, in passing, to the indifferent manner in which England's responsibilities to India have been fulfilled. But this I will say, that whatever may have been our political shortcomings in that country, our neglect of her social condition, our apathy and disregard to her social welfare and progress, the inappreciable influence upon her social system affected by our connection, now a century old, with the people of that land, are not results with which you either as members of this Association or as Englishmen, ought to be satisfied. And if the members of this Association will devote some of their time and their attention to India as a field for the study of social science, if their standing committee on Indian affairs will endeavour to carry out the scheme and design of the Association with reference to India, to put themselves in communication with the native leaven of thought and opinion, and the social reforms of that country, they will not only aid and encourage those noble-minded men who have thrown themselves enthusiastically and patriotically into the work of elevating and improving their fellow-countrymen, and who are engaged almost single-handed in an Herculean task, they will not only widen the basis of their inquiry into social phenomena, their cause and history, and thereby gather new ideas and fresh light, but they will be compensating in no small degree for the neglect with which India has been too long treated by this country, and by showing the natives of Hindustan that the English people sympathize with them in their hard struggle after social progress, they will do more to cement the union between the two countries, and to blot out the recollection of the past, which we should both try to forget, than all the efforts of soldiers, statesmen, and legislators put together.

Insurance for Labourers. *By the* Rev. J. Y. Stratton.

It is unnecessary to relate in full the twice-told tale of the sharing-out and other benefit clubs of the rural poor. These unsafe and treacherous refuges for poor men in distress, with their entrance through the public-house, and their side door into the union workhouse, demand attention in respect of their cost. The weekly contribution which each man pays in order to secure the benefits offered by the club is computed on the rough-and-ready rule that a half-penny a week will insure a shilling a week during a time of sickness, with half-pay for another term, and a margin for contingencies—among which contingencies superannuation allowance and burial money are included.

In districts where wages are good the member's contribution runs as high as sixpence a week. For prudential reasons, I suppose, it is common to fix the sickness pay at 10*s.* instead of 12*s.*, superannuation pay at 3*s.*, and burial money at 8*l.* or 10*l.* In addition to the weekly contribution are levies and fines; and the amount at the year's end thus paid by the labourer is sufficient to insure him (1) 12*s.* a week in sickness till seventy years of age; (2) old age provision for that period, which, being beyond the years of threescore and ten, is full of "chronic ailments and mere decrepitude;" so that the man must have an old age allowance or annuity at, say, 5*s.* a week in lieu of sickness pay. These insurances, I repeat, together with (3) 10*l.* burial money, would be within reach of the labourer at a cost not exceeding his club payments, provided that facilities in the way of insurance, to which your attention will be requested, were furnished him.

In the few instances in which, by the help of well-managed friendly societies, the labourer has secured these benefits, he is virtually independent. I admit that the independence is of a humble kind. All could wish it was otherwise. But it is a far better provision than that the poor law could assign him, and the effort by which he has obtained it has had a wholesome effect on his character; it has raised and not degraded him. His annuity enables him to live pretty comfortably with his family, which could not be on the out-door pittance of 2*s.* 6*d.* from the rate, and he may live all his life in his own home. Far different is the case of the poor wretch who is forced, sooner or later, to leave his home and friends (and his wife, too, if he has one), and come into "the house," where he must spend the long winter evening of his age, "alone, a banished man," and when the release comes, be buried with the burial of a pauper.*

If, then, it is true that the labourer is wasting in mushroom clubs sufficient, if invested in a permanent society, to raise him, unless under extraordinary distress, above pauperism, we have a question affecting not only the labouring classes, but the community—How to provide him with the means of improving his position, and to induce and encourage him (for we cannot compel him) to use them for his own advantage. Taking the latter part of this question first, it may be said, with great truth, that with the poor law as it stands, and as it is commonly administered, the labourer will never have the will to make the effort to work out his independence for himself. The man who has been taught from his earliest youth to look upon the poor rate as his hardly conceded rent-charge in lieu of the land he tills for a master, is not by nature improvident, neither is he destitute of the desire to improve his position. But by dint of supplementing his wages from the rate—by giving him no interest in the due

* In a return of Lord Lichfield's of in-door paupers in 1867 who had formerly been members of friendly societies, the number was 4015. The number of male paupers at that time in the workhouses was 32,497, so that about 12 per cent. of the inmates had once been in benefit societies.

economy of the rate, inasmuch as he is made to pay additional house rent in lieu of rate—by reducing him in his old age to seek refuge in the union, where he must undergo compulsory celibacy—by such education as this, sad work has been made with a character and abilities which, under good treatment and better laws, would have secured the man a happier lot than living a pauper and dying in the workhouse.

So long as his view of the poor rate remains unchanged, he says that it is no part of his duty to save anything. He therefore spends that which should secure his future provision in a club, which offers him as much for his money as he can get in the way of benefits—muddy ale and good fellowship, but which, sooner or later, resigns him to the care of the union.

It is easy to find fault with the poor laws and their administration. The difficulty is to devise and carry into effect measures which shall provide a remedy, and by the due application of which the welfare of the labourer may be promoted.

The solution of much of the difficulty of dealing with the case of the farm labourers will be found, I submit, (1) in a strict administration of the poor law, which law should be altered and amended in principle and practice; and (2) by placing within the reach of labourers a system of insurance suited to their requirements.

The points relating to the poor law are—

(1.) Rigorous treatment of able-bodied male paupers of indifferent or bad character.

(2.) Aged and infirm paupers and able-bodied paupers of good character, who are forced into "the house," by distress, not to be treated as in (1), and not to be separated compulsorily from their wives.

(3.) Relations to be compelled, wherever possible, to pay all or a part of the cost of paupers.

(4.) Better supervision of the poor than that commonly exercised.

(5.) All occupiers of houses or cottages to be liable to the rate, unless excused payment of rates.

(6.) Boards of guardians to authorize relief, if they think fit, to applicants who belong to "certified" benefit societies, and to refuse relief, other than the house, to members of "uncertified" societies; for which purposes the certificate of the Registrar of Friendly Societies should be made of value in determining the trustworthiness of the applicant's society.

A few remarks on these points will be offered in their order, in the hope that better suggestions may be elicited than those which I venture to put forward.

(1.) With regard to idle and vicious able-bodied paupers. There is a want of sufficient strictness in dealing with them. Retaining the power of dealing with refractory and disorderly paupers according to law, the guardians should be empowered to draft paupers of this class from among the inmates of the union, and send them for a stated term to an establishment where work is exacted in

return for maintenance. One such workhouse of this kind would suffice for each county, and each union in the county should pay a share of the expenses of the same.

(2.) In the case of those whose destitution resulted from inferiority, age, or misfortune, the care of the guardians should be exercised with gentleness, and even some indulgence; at present, be it remembered, often bestowed on the worthless as well as on the deserving poor. There are harmless and inoffensive persons who can barely earn their maintenance even under favourable conditions: when the conditions fail, they properly become the objects of the care of the law. Again, the law, instead of saying that the guardians may provide accommodation for infirm married paupers to live together, should make such provision obligatory. The mischief of the dissolution of matrimony by poor law reaches farther than the aged and miserable couples whom it consigns to opposite sides of the same building: it lowers morality and brutalizes the poor, by impairing and destroying the bonds of marital and family affection and duty. And are the poor of the land the only sufferers?

(3.) In compelling relatives to pay for a pauper's maintenance, reference may be made to the custom observed by the guardians of Upton-on-Severn. It was recently stated by one of them, at the conference of chairmen and other guardians of unions, held in the library of this Association, in London, that where applicants had relatives or friends able to support them, they were, if necessary, brought before the magistrates. And the speaker added—"Whether the application succeeded or failed, it had a beneficial effect, seeing that it compelled those who were legally liable to support relatives to explain publicly in court why they did not do so." The example of the poor law system at Elberfeld may also be quoted:—"Nowhere is the legal objection of supporting relations, especially the duty of children to contribute to the support of parents, more rigidly enforced than in Elberfeld. A person who is by law liable to contribute to the support of a relation, and, being able, neglects to do so, is liable to imprisonment during such time as the relief is required. . . . Overseers and visitors" (*alias* guardians) "are enjoined to impress and enforce this duty—the legal obligation of supporting relatives—on all occasions."

(4.) Better supervision of the poor than that in common use is also needed: a want so commonly admitted that it may suffice for me to pass on to—

(5.) The abolition of composition in lieu of poor rate, which demands careful consideration. The Small Tenements Act has made the task of collecting the rate comparatively easy; but it has given to the cottager a substantial grievance. Witness the abuse known as farming the rates; by which the owner, who pays, say, 4*s.* a year for the cottage, will charge his tenant 4*d.* a week in the rent. The redress for this grievance—in the tenant's opinion—is to get as much as he can from the rate. If he was compelled to pay the rate when due (and an equal law for all householders is no

unreasonable demand), he would have a good reason to desire the visits of the collector to be as few and far between as possible. But now he does not care whether there are two rates in the year, or three or more. Compel him to pay his share when the rate was due, and he would care a good deal, and repress to the best of his power claims on the rate other than his own, instead of viewing them, as he does, with indifference or approbation.

(6.) The mode of dealing with members of friendly societies who may on occasions apply for relief, suggested in this paper, would strike at the root of benefit societies which, sooner or later, relegate their old and burdensome members to the care of the poor rate. Effort would be made to set their houses in good order, under penalty of speedy dissolution. Their members would try so to alter and improve as to "pass the registrar;" and by improving their society, would promote their own good. The reformation of labourers' friendly societies does not necessarily require their removal from the public-house. By all means, let the influences of religion and morality, and the safeguards of the law, be used to raise the character of the labourer; and if this is done, there is no adequate reason why his club should be dissociated from the public-house. For the purposes, however, of enabling guardians and others to distinguish between good and bad societies, the certificate of the registrar should be made a testimonial, not only that the rules of the society are in conformity with the law, but that the institution is *bonâ fide* a provident and solvent one.

For the purpose of determining the trustworthiness of societies, the registrar will require greater* facilities than he possesses, the costs of which should be paid by the societies, and not from the Consolidated Fund.

Thus far with regard to the poor law and its better administration. In corroboration of the accuracy of the opinion expressed in this paper, as to the power of inculcating habits of thrift and providence by means of a strict administration of a good poor law, the report of the inspector at Elberfeld may again be quoted:—"The general opinion of those persons whom we had an opportunity of consulting, is that the system of poor law administration has had a marked effect upon the habits of the people, inducing much greater thrift and providence. This seems to be confirmed by such returns of benefit societies as we had access to. The number of contributors appears to increase steadily from year to year."

We next come to the duty of giving to the labourer the means of safe investment for moneys wasted by him in the so-called benefit club, or for such sums as the present rise in wages in underpaid districts will enable him, when taught by a just administration of an amended poor law, to lay by in store for the future.

I again respectfully urge on public attention the establishment of a

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* Discussed in my "Method of Improving the Labouring Classes," *Royal Agricultural Society's Journal*, 1872.

safe and self-supporting system of insurance for labourers, under Government supervision and through the Post Office. With a staff of officers and agents already appointed under the Act 27 & 28 Vict. c. 43, with all the machinery needed for efficient work already in the field, and under the control of the Postmaster-General, it is not possible to ignore the advantages obtainable by means of a Post-office friendly society. This proposal was brought by me before the late Commission on the Employment of Young Persons, Women, and Children in Agriculture, and recommended as well deserving further consideration. It is now receiving powerful support, and will shortly be admitted to the scrutiny of the Commission on Friendly Societies. The main details have already been published in the last number of the *Royal Agricultural Society's Journal.* I need, therefore, only point out very briefly the advantages of establishing at every money-order office, and other convenient post-offices, a self-supporting lodge or district friendly society, offering sickness pay and burial money in small sums, ranging from 4*s.* a week in sickness, and 3*l.* at death, up to 14*s.* a-week and 10*l.* at death, in one policy of insurance; by which arrangement one monthly contribution secures the double insurance for sickness and death.

By altering and amending the Act, life insurances should be obtainable at the post-office to the amount of 200*l.*—the limit assigned to friendly societies by law; and they should be lowered from their present minimum of 3*l.* to 2*l.*, to bring them within reach of the labourer. The annuity tables require little adaptation to make them serviceable; and the useful, and as yet but little known, insurance of prospective provision, called endowments (by which an apprentice fee or a sum to help to furnish a cottage, buy a cow, &c., may be secured by monthly contributions), should also be granted at the post-office. This proposal, if carried into effect, would offer to the wage-paid classes of the lower degree, and especially to farm labourers, a safe system of insurance suited to their requirements.

In order to escape the prejudice which labourers have against a scale of contributions graduated according to age, and also to encourage men to join early, the rule should be to admit able-bodied men of good character in two decennial classes—one under 26 years of age, the other between 26 and 35 inclusive; the contribution to be taken sufficiently high in both cases to avoid danger from insolvency by reason of inadequate contributions.

A man aged 25 at joining would be able to secure for 2*s.* a month the benefits of 12*s.* a week in sickness and 10*l.* at death. If he did not join till 26, he would have to pay 2*s.* 7*d.* a month for the same benefit. All that is good or unobjectionable in the village club (not excepting an annual festival, if the members liked to collect money for it) would be retained in the post-office district society. By this means an alternative to provision from the rate would be offered to the labourer; and the offer, coupled with good administration of the funds of the rate (which we have the right to claim, in justice not

only to the ratepayer, but also to the labouring classes), would be accepted by a per centage of some of the best and steadiest young men in the country, whose influence would not be lost on their fellow workmen. This effort to raise them above the common level of paupers appears to be an imperative duty.

The advantages which the Post-office friendly society would offer are—

(1.) Security for investments.

(2.) Facilities for payment of contributions and claims.

(3.) Facilities for transferring insurances from one district to another in the event of migration, as in the case of deposits in Post-office savings banks.

(4.) A standard of economy and good management, greatly needed by the managers of friendly societies.

(5.) They would be self-supporting. The stock, or fund of insurance—namely, sickness, old age pay, burial money, and endowments—shall alone be liable to make good the insurances.

The difficulties in the way of carrying out this proposal are not of a kind sufficiently formidable to cause its promoters to despair of succeeding in their object. The principal objection to it is based on the supposition that unless the espionage used in the village club could be secured in the Post-office friendly society, there would be no means of protecting the fund against fraudulent claims. Admitting that espionage was necessary for defence, is it so certain that the Post-office could not secure it? There is, however, a much better kind of protection than espionage, which is as available to the Post-office as to those old-established societies which make use of it. The time is, perhaps, not far distant when the superior advantages of the medical certificate, together with the agent's personal supervision, to the thankless and unsatisfactory duty of espionage will be generally admitted.

These remarks are made in no desire to exclude other palliative measures on behalf of the labourer. The effort to advance his moral and social welfare admits of many valuable aids, and we have none too many; but second to the influence of religion alone is the endeavour to rouse his energies in order to secure, by prudence and honest industry, a position above that of the pauper, and to leave to the poor law the proper objects of its care—the lame, the blind, the infirm, the incapable, and the destitute of the country, who are beyond the reach of help from the friendly society.

MISCELLANEOUS.

His Excellency Senor Don Arturo de Marcoartu read a paper on "A Parliament of Nations," in which he proposed the following:—

1st. That it is lamentable, and in the case of nations ruled by a

representative system, contrary to the science of such system, to leave to heads of states, and not to peoples, the power of dictating war amongst the latter.

2nd. That a committee should be named, which, placing itself in communication with the friends of peace in other countries, may prepare the formation of a free international parliament as early as possible.

3rd. That until the opening of such parliament a competition shall be opened for awarding a premium to the best project for the constitution of an international parliament and a tribunal of nations, which may realize the desires of civilized peoples in behalf of peace and progress.

4th. That it is desired to promote in all countries amongst the governments and the governed, by the press, by meetings, by the chambers of commerce, peace leagues, associations of working men, and representative chambers, the definitive constitution of an international parliament and of a tribunal of nations.

The object of such parliament, he said, would be to bind closer the relations between the nations, and to draw up a code thereof, and the mission of the tribunal of nations would be to solve such differences as may arise between them.

Mrs. E. M. KING, of London, in a paper on "Work of an International Peace Society, and Woman's Place in it," stated that her principal object was to gain the interest and help of women in establishing the best method of settling international disputes by an appeal to justice instead of to force, and also to ensure to women the right to be heard or represented in any such future arrangement. That women were more directly interested in the preservation of peace than men, both from their greater horror of war, and from having all to lose and nothing to gain by it, was so often repeated and so often acknowledged that it need not be further dilated upon. She only alluded to it now to show that if women were encouraged to give their help, and their energies were properly directed, the cause of peace might be much helped forward by them. She now proposed the formation of a society of men and women working together in any way found most practically useful and efficient. A society composed of women alone, she thought, would have too little influence with governments, or as educators of the people, to give any effectual aid. There was always a great deal said about women being instructors of youth, and as therefore having as much power and influence as it was necessary or advisable for women to have. Mothers had influence over their sons just as long as they had power over them, and little or no influence over them practically afterwards. The mother's influence was exercised over sons generally at the utmost for the first seven or eight years of their lives, when any permanent effect on character was least likely to be made. The first thing which happened to a boy at school was to get laughed out of all respect for the opinions and ideas of his female

relatives. Often indeed a mother's teaching and a mother's love were thought of, but generally at the end of some bad or unhappy career, when the man wished he had followed the teaching of his mother. Woman's influence over man was just as much as he let her have, and generally he let her have very great influence over him for evil, thinking that he was displaying his freedom by so doing, but he was most jealous of her interference when she endeavoured to influence him for good, and thought then that his freedom was being tampered with. In wishing, therefore, to organize an international society, composed both of men and women, they desired it in order that men would let them influence them for that good thing—peace. The principal objects of the proposed society would be the establishment of a permanent high court of arbitration, by following up the precedent established by the Treaty of Washington; the endeavour to obtain a gradual general disarmament, without which there could be no guarantee for permanent peace; as far as possible to instruct all classes in all points relative to international law; to bring before their notice the more immediate evils of war upon a country, and the equal though less apparent evils of standing armies, together with the special laws or regulations upon which military systems are founded or kept up in different countries, so that a more general knowledge of international law and of military systems, all questions relative to peace or war, shall become more and more the peoples' questions, rather than those for rulers and military authorities to decide. The one great object of an international peace society ought to be negotiation for the disbanding of an equal number of troops in every kingdom, nor should their efforts cease as long as a single band of fighting men remained.

A paper on "The Needlewomen's Case,"* was read by Mr. W. Cooke Taylor. There is a class, he said, of persons not living, but perishing, in the midst of us, whose lot, compared with that of any other, is hopeless, horrible, and heartrending. This is the class of needlewomen, or sempstresses. He would tell, first, of their position before the public; second, of their position before the law; and thirdly, point out the means by which these could be improved. Under the title of needlewomen were included all those who worked either with the hand or the machine, from the skilled milliner of fashionable show-rooms, to the poor drudge who disposes of her work through a "sweater," or middleman. This sweater is a sort of personage who illustrates the fact that even on the smallest animals there are smaller creatures that prey, and we should find him playing no unimportant part in the disclosures which he was about to make. The wages of needlewomen varied like the wages of all other persons by the amount of work to be done and the number competing for employment in it; they, however, formed an ex-

* See *Transactions*, 1868, p. 603.

ception to the celebrated five laws enunciated by Adam Smith, as producing different rates of wages in different employments. For while the occupation of needlework was unhealthy, inconstant, and offering no great ultimate rewards, it was still the worst remunerative of all occupations. This, he afterwards accounted for, by the fact that women were not allowed to compete in an open labour market, but were restricted to certain employments, which were therefore overstocked. He gave instances of the amount of wages paid, which were almost incredible for their lowness. The position of these women before the public was, that in the midst of general prosperity they were starving, ground down by a system over which they had no control. Respecting their position before the law, he traced the course of legislation from 1844, when women were first brought within the scope of the Factory Acts, down to the placing all work-rooms under the inspection of the Factory Department. In point of fact, the work-rooms required this inspection far more than the factories; they were commonly close, ill-ventilated dens, whereas the factories were often quite palatial in their construction and appliances. Moreover, the labour in work-rooms was really more fatiguing than the labour in factories, whatever public prejudice might imagine to the contrary. Yet how had Parliament legislated for them?

In factories women might only work 10½ hours a day between 6 a.m. and 6 p.m., and till 2 p.m. on Saturdays; in workshops, they might work the same hours any time between 5 a.m., and 9 p.m., and in emergencies might work 14 hours a day for five days a week, less the usual hours for meals, and an extra half hour for tea. This then was their position before the law. The remedies were, in the first place, to petition Parliament to repeal the obnoxious provisions; and in the second place to continue to open up fresh channels of employment for women. He was not indifferent to the serious predicament in which a fashionable lady would be placed who was unable to procure her ball-dress in time for an approaching festivity, and who might even be obliged to appear in one in which she had been already seen elsewhere. Such a consideration was a grave one, but not quite so grave, he thought, as that of the hardships which might be entailed on other young ladies in providing it for her. He would not believe that any unbearable public inconvenience would result from the more early and general closing of workshops, so long as no unbearable public inconvenience did result from the far more early and general closing of banks, which dealt in the most essential of all commodities. Men had not only thrust women out of many employments which they said were not fit for her, but had also thrust themselves into many which they said were. He had heard of such a strange creature as a man-milliner, and after all what was a tailor but something of the sort? Recently a disreputable howl had gone forth from certain post-office clerks against having ladies associated with them in their duties. It was said that it took nine tailors to make a man, but it must take at least eighteen

of these post-office clerks to make one. Now, in a time of unexampled prosperity, when almost every industry was agitating for diminution in the hours of labour, and increase of pay: in the midst of the surging current of success he discerned a vacant space, it was peopled with shadowy forms which were yet the graceful forms of women—your needlewomen, your sempstresses, but your sisters still—and they lifted to you their thin hands, and turned upon you their lightless eyes, and called for help. Powerless themselves, they must trust to the power of sympathy, which would not be wanting in any true heart.

A paper on "Factories and Workshops Inspection, with special Reference to Brick and Tile Yards,"* was read by Mr. GEORGE SMITH, F.S.A., of Coalville, near Leicester. Mr. Smith claimed some share in achieving the legislation of the past session in reference to this subject. He proceeded to say that in the brick and tile trade of North Staffordshire great hardships had been experienced in consequence of those engaged in it having been placed under the provisions of the Brickfield Sections of the Factories Act, passed in 1871. Until the commencement of the present year the manufactories were governed by the sections of the Act which had reference to potteries and the making of ornamental tiles, and recently an effort had been made to get the works again placed under the same restrictions. A deputation of manufacturers and operatives had waited upon the Home Secretary, which resulted in Mr. Bruce instructing the Inspector of Factories to consider the brick and tile trade of North Staffordshire as coming under the provisions of the Act of 1864, and not subject to the provisions of the Brickfield and Tile Act of 1872. The manufacture of ornamental floorings, copings, and roofings, which he said had been made exempt from the operation of the Act, is carried on in large part with blue clay—the heaviest of all—and, as burdens to be carried in the taking, and working, and tending in dark and filthy sheds (so differing from the red bricks made in open day), through all the usual processes, involve every evil, every injury to health, every enormity of over work and immorality common to ordinary brick-making; while there is this aggravation, that the juvenile workers are kept in a constant dusty atmosphere, and under other influences most prejudicial to health. As a practical brickmaker and ornamental worker in clay of thirty-five years' standing, he could affirm that in these works, which have been thus permitted by Mr. Bruce to be placed under the Act of 1864, the work done and now authorized to be done by mere children, in the teeth of the Act 1871-72 protecting them, is work not one whit less oppressive, less out of proportion to the years and strength of the workers, or less exposed to the wrong-doings of ordinary brick-making. That is to say, tiles used for ordinary building and drain-

* See *Transactions*, 1870, p. 537.

ing, roof-tiles, ridge-tiles, and ordinary quarries, building bricks, stable bricks, fire bricks, coping bricks, channel bricks, sloope bricks, canted bricks, and white, blue, and brown bricks, and other goods of the same class, wherein water, sand, iron, or coal dust is used to keep the clay from adhering to the moulds during the making, come under the provisions of the Act of 1871-72, seeing that in their manufacture children of both sexes have hitherto been employed at and under eight years of age, with all the sad results so fully described by me. He was also bound to notice the utter inadequacy of the inspection of the brickyards and brickfields under this Act. The number of inspectors is miserably insufficient. For one now employed there must be five, at least, if the Act is to be a reality, and not a sham. So with the factory Act proper. For example, in the Bolton and Blackburn district, to nearly 3000 factories and workshops to be visited, there is one solitary inspector. So with the brickyards and brickfields. Within the last few weeks he had seen dots of children employed in brick-making precisely as before the Act. He contended that the class of men who had been appointed to the inspection of the brickyards and brickfields were not of the stamp demanded for such work; they are mere theorists, and really did not know the kind of men or the kind of work they had to inspect; and, above all, were so sadfully ignorant of the kind of evils against which they have to watch, and the wrongs from which child-labour must be protected. It needs full knowledge, keen insight, quick penetrativeness, sagacious vigilance, and practical experience of the ways and tricks, and usages of trade in the Potteries, effectively to carry out this law, or any law that, like it, takes to do with long-rooted evils. To carry out the Act of 1871-2 in its integrity, there must be in certain great centres inspectors who practically know the brickyards and brickfields, and the things to be suspected, and the classes to be dealt with—men who, while respectful to employers of labour, will neither be their toadies, their tools, nor their dupes—men whose supreme endeavour and end will be, not to make things pleasant, but to right an enormous wrong, and to place the shield of the law between the little children and those who would misuse them.

Mr. FULLER read a paper on "The Improved Utilization of the land," of which the purport was to show how poor rates could be reduced to a minimum; our native food supplies multiplied; the foreign importations, amounting to 40,000,000*l.* or 50,000,000*l.* a year, dispensed with; and all the people abundantly fed, instead of vast numbers being, as now, in a state of chronic semi-starvation. Mr. Fuller adduced some interesting examples of the wonderful productiveness imparted to the land by efficient cultivation, accompanied by judicious management and the liberal employment of labour. He earnestly advocated the policy of assisting every agricultural labourer to procure a good home and a small holding, with a secured interest in it; also of granting leases and definite tenures to farmers; pointed

out many grievances arising from the insecurity now existing, and argued that it was unreasonable to suppose that men would devote time, industry, and money, to the proper development of their farms, unless they possessed some assurance that they would enjoy the fruits of their exertions and outlay. Upon no point was Mr. Fuller more energetic than when insisting that employment in connection with the land was by far the best, indeed, the only really eligible and trustworthy description of industrial training for the young. This proposition he enforced by reference to various facts, and dwelt upon the error of confining industrial training to over-handed callings, such as tailoring, shoemaking, mat-making, needlework, etc., all more or less unhealthy and precarious, when it is in our power to rear up our young people healthy, vigorous, independent, and capable of holding their own, and making their way in whatever part of the world they might find themselves. Mr. Fuller made an emphatic appeal, not only to the humanity, but to the prudent self-interest, of the landowning class to do greater justice both to tenants and labourers, and illustrated his arguments by quotations from Government reports on the examination of forty parishes, in which 753 cottages had amongst them 1194 cows, besides pigs and poultry. Not one of those families who keep cows require parish relief. In twelve parishes where most cows are kept, the poor rates are only ninepence-farthing in the pound. In ten parishes, where the proportion of those who keep cows is less, the rates are 1*s.* 8*d.* in the pound. In seven other parishes, where the proportion of cows is again less, the poor rates are 4*s.* 3*d.* in the pound. In thirteen parishes, where few or none have cows, the rates are 5*s.* 11*d.* in the pound. By way of illustrating the effects of leases on property, Mr. Fuller called attention to the disreputable class and condition of the houses in this delightfully-situated town of Devonport, and said that in a few years, with encouraging and equitable leases, the now rotting houses would be replaced with fine, handsome residences and shops, and Devonport would become, as it ought to be, one of the most beautiful towns in the kingdom.

A paper was read by Mr. J. N. Bennett, of Plymouth, on "The Elberfeld Poor Law System." Premising that his paper was mainly an abstract of a report made by Mr. Doyle, poor law inspector, who had been sent to Saxony by direction of Mr. Stansfeld, the writer proceeded to describe the administration of poor relief in Elberfeld and such of the neighbouring municipalities as had adopted its system. In 1852 the population of Elberfeld was, in round numbers, 50,400, and the number of paupers of that town relieved at the public expense was 4000, at the cost of 7000*l.* In 1857 the population had increased to 52,500; the number of paupers had decreased from 4000 to 1500, at a diminished cost of about 2600*l.*, instead of 7000*l.*, as in 1852. This striking change was effected by the application of a system of management adopted mainly at the instance of Mr. Vonden Heyett, a leading citizen of that town, not as a sudden and happy invention, but after some years of fruitless and disappointed

effort on the part of the municipality. In 1850 a poor law was enacted by the governing municipal body; a kind of poor law board was constituted and the administration of the law committed to it. This board bears some resemblance to our boards of guardians of the poor. It consists of a president, four members of the town council, and four citizens chosen by popular election. Subordinate to this body are the overseers and the visitors. The general administration of the poor law, therefore, is committed by the supreme municipal authority of the town to the guardians, and the administration of out-door relief is intrusted to—1. The overseers. 2. The visitors. The Elberfeld system applies exclusively to out-door relief. There is no workhouse test in the German system. To this body is committed the whole administration of the poor law of the municipality, including the system of medical relief, the government of the poor or almshouse which receives the old and infirm, the town hospital, and the orphan school. The town is mapped out into 252 sections; the overseers are eighteen in number. Each overseer has fourteen sections under his charge, and one visitor is allowed to each section; the number of the visitors and the number of the sections are the same. Each section contains, at the most, four pauper cases. Each overseer has the oversight, therefore, of fourteen visitors, and each visitor has care of four pauper cases, whether consisting of families or individuals. The overseers and visitors are elected for three years, subject to the retirement annually of a fixed proportion. They are selected from the superior class of the citizens, and without reference to politics or religion. Their offices are entirely unpaid, and are also in the last resort compulsory, although, by means of friendly communication, previous consent to serve is commonly obtained. The overseers and visitors meet together fortnightly, the sectional overseer presiding. Every application for relief is made to the visitor of the section, and he alone personally investigates and relieves the case. Every new case relieved between the fortnightly sittings is brought before their meetings for consideration. At these sittings each visitor receives out of the appointed fund the estimated amounts of the coming fortnight's expenses, for which an account is returned every fortnight to the committee of guardians appointed to watch and examine it. These amounts and the whole expenses and proceedings of the visitors are regularly scrutinized, and the outlay of every groschen must be found to be in conformity with the strict rules laid down in the instructions. The visitor has under his care never more than four cases, sometimes less. His fortnightly round of visits therefore falls comparatively light upon him, and he is able, and by the instructions in his hand is bound, so to investigate the circumstances as to become acquainted with all the particulars of the past and present condition and prospects of each individual pauper, his connections and habits, in fact, his whole past life and present state and relations; and after he has, by a process perfectly inquisitorial, succeeded in laying open before him the entire life and being of the pauper, his family and relations, he is sternly forbidden by a

prohibitory order from affording relief beyond the absolute necessaries of life, contributed generally in food and clothing, according to a paid and definite scale, from which no deviation is permitted, except in cases of extreme and urgent pressure. The pauper is then kept under the watchful and personal observation of the visitor, who constantly looks up each of his four cases, so that every change, however minute, in himself and his family is noted and reported, and labour is provided for him if he cannot get it himself. To waste the money granted, or to sell clothing or furniture found for him is a penal offence. The system has been adopted with equally beneficial results by two or three other important municipalities in the district. The visitor is enjoined, in the words of the instructions, to hear and weigh the prayers of the poor, to be his friend and adviser in the difficulties in which he may be placed, to interest himself in the cares of the poor, in helping him to obtain work, in the education of his children, in the hour of sickness, and in the trials of life. The cities of Boston, Pennsylvania, New York, Brooklyn, and other American towns and districts have adopted a precisely similar method of visitation and of dispensing relief; hundreds of voluntary and unpaid visitors in communication with the State and town authorities cover the area occupied by the poor of the large American cities, and by a process of persevering and minute inquiry, akin to that which we have been already considering, keep down pauperism whilst they relieve the extremities of distress, and furnish the inhabitants at large with a means of knowing what, at any season, or under any change of circumstances (want of labour, dearness of provisions, or any other of the ordinary causes of local distress), may be the subsisting condition of the suffering poor, not as with us through uncertain and imperfect channels, nor through the report of scantily-placed and overworked officials. The presence of working visitors, such as are engaged in German and American towns, would be found to be a nucleus for a much-needed organization of charity in our great centres of population, and an effective means for relieving clergymen and ministers from much of that laborious serving at tables under which they at present groan.

A paper by the Rev. R. HOBHOUSE, on "Rating of Tithe Rent-Charge," is devoted to showing that the amount paid by the tithe owner is excessive, and inquiring into its cause. This he finds to be, that the tithe-owner pays rates upon nearly the whole of his income, which no one else is called upon to do. No other professional man or placeholder pays rates upon his income or any part of it. Nor are the other profits of the land (after the tithe rent-charge has been subtracted from them) rated in the same proportion. The principal remedies proposed are either, (*a*) a different application of the Parochial Assessment Act (1839), by which "the expense necessary to keep the property in a condition to command such rent" would be held to include payment for the personal labour and professional services of the clergyman; or, more simply, (*b*) an

allowance made for professional services in calculating the "rateable value," such allowance to be according to the scale laid down in the Pluralities Act (1838), for the payment of curates by non-resident incumbents.

Dr. THOMAS LITTLETON, of Plymouth, late assistant-surgeon, R.N., read a paper on "A New Method of Constructing Ships with a Self-regulating Power as to their Specific Gravity, so as to enable them to secure the Advantages enjoyed by Fish." He remarked that the numerous and disastrous accidents which have happened of late to several of our ironclad fleet must have occasioned the greatest public anxiety, and it becomes a question of the deepest interest to discover whether any means can be devised to secure ourselves from such fearful calamities as attended the loss of H.M.S. *Captain*, as well as to save us from such expensive experiments as were realized in the grounding of H.M.S. *Agincourt* and *Magæra*. The delay occasioned by running on the banks and groundings in the passage of the Suez Canal, the habitual practice of loading and unloading cargoes of corn at the Sulina mouth of the Danube, and the hindrance of four days occasioned at the Paumben Straits to ships of a greater draught of water than twelve feet, must suffice as instances of the urgent want of some improved plans of navigation adapted for such classes of circumstances. In the attempt, he said, to overcome some of those difficulties he did not pretend to furnish a complete solution of the whole question, or a perfect answer to any part. Neither was it possible for him in the compass of a small model to exhibit the full extent of what he proposed, but he would endeavour to show what he believed to be attainable by the model—to diminish the specific gravity of the whole bulk of a ship and her cargo by the temporary inflation of collapsible air cavities fitted on the outside of the ship, so as to enable her to float in a less draught of water for an occasion whereby she might enter a bar-harbour, disengage herself when run aground, or be of great assistance to her pumps in preventing her sinking whenever she might spring a leak. In addition to fittings of this kind on the outside of the ship, the same intention would be fulfilled by air cavities within. These should be of two kinds—incompressible air tubes, which might be made subservient to an accessory purpose, that of ventilation; and others compressible, which might be constructed on the principle of Lever's air-proof flexible tubing, now extensively used in the ventilation of collieries and other mines. With such an arrangement, it would be possible to meet every contingency before named, and he believed the pumping in of air would be found a much readier method than the one now in use, the pumping out of water when a ship springs a leak. In order to give an increased safety over and beyond this pumping in of air by machinery, it would be easy to fit a self-acting apparatus to open a communication between a vessel containing diluted sulphuric acid and another partly filled with fragments of zinc or iron, so as to generate a supply of hydrogen gas to

meet such an emergency when the machinery might be out of order. A ship fitted with such appliances would be exempted from the fate of the *Royal George* and the *Captain*. The air-bags underneath are supported on their upper surfaces by elytra of iron; this part being the point on which great force may at times be exerted in the lifting of a vessel. A very moderate degree of strength is all that is required in the elastic material used in the air chambers below it, for the reason that pressure exerted by each particular medium of the air on one side, and of the water on the other, will at all times be equal, and therefore will not rupture any membrane, even a delicate one; it is by reason of this physical condition that the air vesicles of the whale's lung are never ruptured by the enormous pressure to which they are at times subjected.

Mr. J. R. CONINGSBY, in a paper on "Our Metallic Currency," said, that the gold coins having become, owing to the lengthened period during which they had been in circulation, worn down considerably below their original weight, a recoinage of gold took place in 1774. The new guineas of full weight were no sooner issued than the bullion dealers turned the recoinage to their own profit, by exporting them to the continent, and importing in exchange our old silver coins, which, though greatly reduced in weight, were still legal tender to the full extent of their nominal value. For the purpose of putting a stop to this species of traffic, an Act was forthwith passed whereby payments in silver coin were limited to amounts of 25*l.* by *tale*, but payments without any limit might still be made in silver coin by weight, after the rate of 5*s.* 2*d.* per ounce. This Act of 1774 finally expired in 1784, and the double currency again came into full force, and so continued until the suspension of cash payments in 1797. But with the restoration of cash payments the silver coinage was not restored to its pristine position. In the year 1816 the old silver standard of coinage was abolished, and the pound weight of silver which had been coined into 62*s.* was then coined into 66*s.*, of which 4*s.* were taken by the Mint for seignorage. The Act of that year and the present Act, which have introduced no alteration in that respect, wrought a complete change in our monetary system, and placed the silver coinage, for the first time in the national history, entirely in the hands of the Government, both as to quantity and quality. Thenceforth gold became the sole standard of value, and was coined without limit, while silver ceased to be a legal tender for any amount exceeding 40*s.*, and was coined only when the Government thought expedient. The result is that silver coins, by reason of the limitation of legal tender and the deduction for seignorage, have ceased to be money in the strict, proper sense of the term, and have sunk to the rank of mere tokens. Gold money, on the other hand, being coined without any charge or deduction for seignorage, and being unlimited in point of legal tender, is exactly equal in value to an equivalent weight of bar gold of the same degree of fineness, and possesses every essential for constituting it money, properly so called. At the

same time, the price of gold has been fixed by law, the Bank of England being obliged by Peel's Act of 1819 to supply the public with gold in coin, in other words, to redeem its notes in sovereigns, at the rate of 3*l.* 17*s.* 10½*d.* per oz. Lastly, by the Bank Charter Act of 1844, which limits the proportion of silver to one-fourth of gold in the issue department of the Bank of England, the circulation of the notes of that institution has been practically restricted by the amount of gold bullion contained in its vaults at any given time. In discussing this branch of the subject, the three main points to be kept in view are, that silver coins have practically ceased to be money or legal tender, that the supply of those coins is limited by the irresponsible discretion of the Mint authorities, and that by the operation of the Bank Acts the foundation of credit has been narrowed to the basis of gold, and the amount of notes in circulation contracted to that extent. Dealing first with the manner in which the money market and our commerce have been affected by the present currency system, it is not too much to say that this system has given a heavy shock to the entire organization of credit. Our system, both of money and trade, is one of credit, and in the absence of public confidence in the sources of credit, must fall to the ground. The machinery of the credit at the nation's disposal, apart from private bills, is composed of bank notes, the circulation of which is guaranteed by the deposit in the Bank of England of an amount of bullion sufficient for their redemption upon demand. It is essential in the interests of commerce that confidence in the bank's capacity to redeem its notes at any moment should remain unshaken. The more the circulation of its notes can be expanded, consistently with the maintenance of such capacity, the greater will be the freedom and power of action conferred upon commerce. Now the expansion or contraction of the bank issue, and of the resulting benefit to commerce, must manifestly be regulated by the extent of the sources available for the redemption of the issues. If you limit those sources you necessarily limit the note circulation, and fetter the operations of trade. Nevertheless this is precisely what has been done by the Bank Acts, themselves the logical result of the Act of 1816, which, by limiting the quantity and altering the legal nature of the silver currency, led on to the future payment of bank notes in gold only, instead of permitting payments to be made in either gold or silver, in accordance with the system previously in existence. And in point of fact, as the evidence taken by the select committee in 1857 and 1858 on the Bank Acts abundantly attests, all the panics which have occurred since the Act of 1819 have been immediately preceded by a great drain of bullion; confidence has never been shaken except under a heavy drain of gold, and that only because gold is the sole legal tender in the last resort. Thus, by the law which deprived the Bank of England of the power, which she had previously possessed, of paying her notes in silver as well as in gold, the confidence of the credit system has on many occasions been to that extent impaired, the note

circulation has been contracted, and the assistance rendered to commerce diminished in efficiency and amount. The influence exerted by our currency system, especially as regards the silver coinage, over the inland trade and the domestic industry of the country involves considerations of still graver moment. The public cannot in any way control or regulate the issue of silver money. The Mint declines to receive bar silver from a private importer, its avowed policy being to encourage the supply of gold, while it limits that of silver money. The result is that adequacy of the supply of the latter money to the demand for it is, at any given time, to a great extent a matter of accident. During the last twenty-four months, for example, the scarcity of silver money has been so severely felt throughout the entire country, as sometimes to render the transaction of business on a small scale almost impossible in the country districts. Even in the metropolis and the great towns similar complaints have been constantly made by shopkeepers and managers of hotels and restaurants. Large employers of labour likewise have experienced extreme difficulty in providing themselves from week to week with a sufficient supply of silver money for the payment of their men—a difficulty which their bankers have been at times unable to remove. The existence of this deficiency is candidly admitted in the report of the deputy master of the Mint, published in the present year. Such an admission assumes a very momentous aspect when we reflect upon all that is implied by it. It amounts to this, that there is a serious scarcity in the supply of the medium in which the wages of the working classes are paid, and through which the great bulk of transactions in the lower sphere of trade is conducted. The present currency system tends to produce stagnation of inland trade. May we not go farther, and say that the connection between that system and the national pauperism is not far to seek. This at least is certain, that throughout Europe the amount of currency in circulation and the extent of pauperism are in the inverse ratio of each other. Taking the published returns of Great Britain, Germany, and France, from 1855 to 1868, we get the following results:—During these thirteen years the number of paupers—including under the term pauper both the permanent and casual poor—amounted in Great Britain to $4\frac{2}{3}$, in France to 3, and in Germany to $2\frac{1}{2}$ per cent. of the entire population. The annual average cost of each pauper amounted in Great Britain to 7*l.* 5*s.*, in Germany to 1*l.* 8*s.*, and in France to 10*s.* Thus in France the three paupers per hundred inhabitants cost 1*l.* 10*s.*; in Germany the $2\frac{1}{2}$ per cent. cost 3*l.* 3*s.*; in Great Britain the $4\frac{2}{3}$ per cent. entailed upon the country an annual expenditure of 33*l.* 16*s.* 8*d.* This enormous excess in the cost of pauperism in England proves conclusively how permanent and intense the pressure of the evil is here, as compared with the other two countries. Let us now examine the currency statistics of the three countries. In Great Britain the total circulation of every kind amounts to 134 millions, which gives an average of about 4*l.* 8*s.* per head. Of this amount 13 millions, or about 8*s.* 4*d.* per head, are composed of silver coins. A large pro-

portion, however, is absolutely kept out of circulation through the operation of the law which limits the sum for which they are legal tender. Making the moderate deduction of 1½ million on this account, we get as a net result 7*s*. 4*d*. per head of silver in circulation. In Germany the total circulation amounts to about 100 millions sterling, or 2*l*. 14*s*. per head, of which about 1*l*. 2*s*. per head consists of small silver coins. In France the whole of the circulating media may be computed at 300 millions sterling, or 8*l*. 2*s*. per head, of which more than one-fifth consists of 5-franc silver pieces, which together with the 5-franc gold pieces yield a circulation in the smaller monies of 2*l*. 3*s*. per head of the population. Thus we find that the amount and intensity of pauperism vary inversely with the amount of silver money in circulation, being greatest in those countries where the circulation of the smaller coins is most limited, and smallest where the latter is most abundant. No doubt many causes combine to give Great Britain her unenviable pre-eminence in this painful particular, but after they have all been taken into account, there remains a large balance of pauperism which is incapable of any other explanation than that it owes its existence to the currency laws, which impede and even render almost impossible the successful prosecution of trade and industry in the lower walks of life, by denying the media necessary for that purpose.

A paper "On Co-operation"* was read by Mr. WILLIAM NUTTALL, of Manchester. He said, the capitalist now employs the labourer, and at the cheapest rate, disposing of the joint product to the consumer, but at the highest price, and through additional intermediate agents. The labourer enforces the highest possible wages, regardless of capitalist or consumer, while the consumer buys at the cheapest possible price, equally careless of the labourer or capitalist. Here we have three contending interests, the two first making the third "pay." A union of these three, and fair recognition of their just claims, is the object of co-operation. When capital receives high profits, and labour high wages or short hours, then the burden is borne by the consumer, who is powerless to obtain a remedy. No question arises in the mind of either capitalist or labourer as to what selling price is reasonable, but each, or both together, force all possible from the consumer, and even then these two cannot agree between themselves how to divide the spoil. When labour is badly paid, the cry of "tyranny of capital" is generally heard, although capital generally suffers at the same time. However reasonable these complaints may occasionally be, he believed they are greatly on the wane. Working men are beginning to feel it useless to complain, and are fast learning that the only remedy lies in the increase of the supposed oppressor, but in their own hands, for their own purposes, to serve them instead of to rule them. This learned, he continued, the first and most important step upward is the establishment of the

* See *Transactions*, 1871, p. 581; also *Sessional Proceedings*, 1872–3, p. 113.

retail co-operative store, or every man becoming his own shopkeeper. The little capital required to commence a grocery and provision store, namely, about 2*l.* per member, is soon procured from wages saved, and by this alone the profits of the shopkeeper are secured. This profit of the retail stores is found from twenty years' experience to be about ten per cent. on the sales, after paying capital five per cent. for its use. So that thousands of families spending but 1*l.* per week on food and clothing are now saving 5*l.* per annum. In fact, scores of working men with large families find at the end of, say eight years, sums to their credit amounting to 100*l.*, 150*l.*, and even 200*l.* When the dividends are allowed to accumulate in the store, then, from dealing in groceries and provisions only, the store begins to supply shoes and clothing; next to produce them. Then follows household furniture, and all other requirements of the family. Still further accumulations of profits lead to the erection of buildings for trading purposes, libraries, and newsrooms. Lectures and recreative amusements are next provided, and ultimately cottages are erected for the members, and supplied at cost price, free from bonuses, fines, and other charges incidental to ordinary building societies. The demand for cottage houses is, however, somewhat limited, and investments in cottage property are less profitable than co-operative production, hence co-operators turn their attention to the latter in preference. This initiative step of "eating oneself into prosperity" is the one which must be made to flourish throughout the whole country, if the masses of the people are ever to be improved in their social condition; and this result can be obtained without any violent agitation, troubling Parliament, or quarrelling with employers. Having described the retail system, Mr. Nuttall then adverted to the wholesale, and gave a detailed account of the success which had attended the formation of some of them. But before we can feel, he says, this second step in co-operation is complete, it must be as wide in its operations as are the wants of the retail stores. It must supersede the commercial traveller, simply by the duty of buyers of retail stores, and save them from trouble and risk, as well as temptation and loss. The shareholders in the stores are the actual consumers of the commodities which their united capital serves to purchase, and the profits, after payment of dividend on this united capital, are divided amongst the members *pro rata* according to their purchases; thus capital has the smallest consideration given to it, whilst the main benefits are reserved for the purchasers—that is, for those who make the profits. In joint-stock companies, on the other hand, the consumers, whose purchases really make the profits, get no consideration whatever, whilst capital, instead of being satisfied with the usual five per cent., swallows up the whole of the profits. These two things cannot properly be called by the same name, nor can they be working to the same end.

ADDENDUM.

On the Necessity of Protecting the Pacific Populations of Invaded Countries in Continental Wars. *By* Professor KATCHENOWSKY.

IN all international jurisprudence, I know no more interesting subject for study than the so-called customs or usages of war. In fact, they contain rules tending to mitigate the cruelties of belligerents, and to protect the person as well as the property of the pacific inhabitant of an invaded country. Some of these usages are of great antiquity and of almost universal authority. Such is, for instance, the respect for the white flag and for those who carry it (*parlementaires*), a rule recognised even by many wild tribes. The necessity of it is evident, as there is no other way for the suspension of hostilities.

Before entering fully into the subject, I will try to give some account of all the laws relating to or operative in war. They may be divided into two large branches—national and international. The first consists of the law of military service in time of peace, and the law of battle-fields, or, as it is named in some countries, the law of camps.

The law of military service, being much favoured and cultivated by kings, obtained, at least on the continent, very large proportions. In Russia, Austria, Prussia, and other States, we may find voluminous digests of this law. They contain, besides the constitutional law of the army, the principal rules of military administration. There exist also in all countries criminal military law, and courts of justice administering it with great severity, and having particular rules of procedure. The summary jurisdiction of these courts was formerly very large, but now is rather circumscribed, and limited to cases of breach of discipline and other duties by officers and soldiers during actual service. As to civilians, they are subjected to it only for a few offences, especially designated by law, such as attacks on sentries, military guards, convoys, &c.

However severe may be the law of military service, being more adapted to times of peace, it cannot answer all the exigencies of war. Accordingly, with the breaking out of hostilities, the largest

in war. This natural feeling revolts the hearts of men against martial law. Then religion comes in aid with moral prescriptions. It is remarkable that from immemorial times founders of religions, as well as great legislators, have protested against useless atrocities by belligerents. The first injunctions, to give quarter to the wounded, to spare the crops, and to treat the pacific population of the enemy's country mercifully, may be found in the ancient Indian Code of Menu. The Amphictyonic Council prohibits the Greeks in the name of Apollo to destroy defenceless or unresisting towns, to divert rivers from their walls, and to leave dead enemies unburied. The Koran contains a more detailed code of war. Mohammed prescribes to his followers to be particularly indulgent to Christians and Hebrews, forbidding them to invade the territory of such without previously proposing to them to surrender and accept Islam, and even in case of resistance ordering them to leave their private property unmolested.* As to Pagans and Atheists, they should be converted or exterminated. But the destruction of crops and fruit trees, and the use of poisoned arms, are prohibited by Mohammed against every foe. The Koran allows but temporary treaties with infidels. They should not be concluded for more than ten years, and retain their full validity to the death of the chief of the state (Caliph). But his heir may abrogate them if they are found by him detrimental to the true faith, or contain stipulations prohibited by the Koran.

The efforts of the Catholic Church to mitigate the horrors of private feuds in the middle ages also deserve notice. Her principal institutions at that time were the *Pax* and *Treuga Dei*. Acting by preaching or admonition, and in extreme cases by severe punishment, she succeeded at least in establishing peace on her own domains, and in forbidding private hostilities on certain days commemorating the life of our Saviour, and sacred to Christians—from Friday to Monday, from Advent to the Epiphany, during Passion and Holy weeks, &c. She took also under her protection public roads, and travellers going to Rome, to Jerusalem, or to St. Jago in Spain, for religious purposes. But her intervention in the wars between Christian and Mussulman was not so happy, and not only has brought discredit on her moral authority, but had other fatal consequences for Christianity. By denying the validity of treaties with infidels and heretics, she often led belligerents to cruelties. Thus, the great battle of Warna would never have been lost by Ladislaus, King of Hungary, if he had not followed the insinuations of the Cardinal Cesarius to break the armistice with the Turks.† To the end of the middle ages the popes tried to introduce into the relations of Christian faith the bad practice of liberating kings from their oaths; but they easily under-

* These rules have been recorded and preserved by an Arabian canonist, Caduri. His book was translated into Latin, and published in 1825, at Leipsic, by Rosenmüller, under the name "Institutiones Juris Mohamedani," &c.

† There is a curious inscription on the tomb of the unhappy king:

Romulidae Cannas, ego Varnam clade notavi;
Discite, mortales, non temerare fidem.

stood the danger of this pretension, and successfully opposed it by inserting in their treaties a clause by which they obliged themselves neither to seek such liberation nor to accept it from the Church.

Thus, the Church has not always stood on the side of justice. It must be added that military as all professional men did not like intervention from outside. Martial law could not be mitigated in any other way but by their combined efforts. They should only gain mutual confidence. We have seen how long the way to it was obstructed by passion and prejudice. International customs, in the true sense of the word, could not grow before the rule of a Roman philosopher was recognised in practice. The great service rendered to humanity by chivalry consisted chiefly in fidelity to this great principle. The crusades may be considered as the best epoch of chivalry. It extended then as an institution throughout Europe. All the nobility were educated then in its noble spirit, and by preparing themselves for the pursuit of arms, brought into the practice of war large sentiments of honour. The ideal of a knight was to follow the example of Roland—*Mieux vaut mourir que la honte me ronge.* He was the slave of his promises, and took upon himself the duty of protecting women, and to observe generous conduct towards the enemy. Thus chivalry may be considered as the primary source of modern customs mitigating war, as well as of all military conventions. Unfortunately, its influence was soon limited by the introduction of regular armies, and by its own corruption. It must be added, the knight never treated a soldier or a peasant as having any rights.

Thus the customs of chivalry had little if any influence upon the conduct of belligerents towards the pacific population of invaded countries. This part of international law consists up to the present time of fragmentary rules, some of which have rather a moral than a judicial character, and the others are not adapted to the exigencies of our time. As to the jurists, they commented on the Roman law of war. I will say here a few words of its principal rules. Some authors are still inclined to ascribe to the ancient Roman law of war an international origin. It may be true that some of its institutions are derived from neighbours, as the college of Fetiales, the *recuperatio*, &c., but it is no less true, that these institutions soon lost their original character in Rome. In fact, the Fetiales did but sanction with their declaration all the wars of the Romans, whether just or unjust. *Recuperatio* seems to have had more importance. It obliged the Romans to settle their disputes with their neighbours in an amicable way, but the power of the recuperators (arbiters) was soon reduced by the Senate to cases of private law. Treaties on equal terms also disappeared in the first years of the Republic. From the destruction of Carthage, Romans looked upon all their enemies as rebels, and consequently gave no quarter to those taken in arms. As to the peasantry, their fate was left to the mercy of the commander-in-chief. To the end of the Republic, plundering became the principal end of war, and it was quite conformable to their law, which considers capture as the best title to property. It is true that

the possession of their lands was usually left to the vanquished people, but the domains belonging to Government were regularly confiscated and distributed to the generals. Prisoners were treated as slaves; some of them became the property of the state, and were employed for public works, or served as gladiators. But greater vengeance fell upon kings and commanders-in-chief; they were conducted to Rome, made part of the triumph, and afterwards thrown into prison to be executed. Nearly the same custom prevailed during the Empire. Even such persons as Titus—the consolation of humanity—made human blood flow in torrents. As to the emperors and generals who made war in Germany, they treated her inhabitants as wild beasts. From all this it may be safely concluded that Roman law rather retarded and obstructed the formation of milder customs of war in Western Europe. In fact, from the middle ages nearly to the present century, we find scarcely any limitation of the so-called right of conquest. Taking various forms according to the general spirit of different ages, it assumed a more atrocious character in times of religious persecution and of political excitement. There are few nations in Europe who have retained their institutions under foreign rule.

I return now to the principal subject of this paper, namely, to the conduct of belligerents towards the pacific inhabitants of the country. The latter were also subjected to the iron rule of Roman law. The clergy tried to interpose in their favour with commanders-in-chief, and succeeded in some cases in alleviating their sufferings, but this mediation led to no change of warfare. With the Reformation came, in Europe, the epoch of religious wars. Catholics and Protestants, having forgotten their common Christianity, began to persecute each other as heretics, or enemies of God. It may be easily imagined what atrocities were then committed by men inflamed with fanaticism. They gave no quarter to the wounded, and attacked unarmed peasants with the same fury as soldiers. Such was the thirty years' war. The immortal book of Grotius appeared at that time. In the introduction to it he says, "that he saw such horrors committed in war by Christians against each other, that savages would be ashamed of them." It was in vain that Gustavus Adolphus tried to maintain strict discipline in his army, and to protect the population of invaded countries from the brutality of his soldiers. His example stands alone in the annals of that war. At the end of it, many districts of Germany presented a desert inhabited by wolves. As to men, they had been exterminated, or had left their homes. The peace of Westphalia put an end to religious dissensions in Europe, but could not prevent the revival of the policy of conquest. France and Sweden being then the most powerful states, began to attack their neighbours, and tried to enlarge their possessions. Hence followed a series of wars, which raged with but few intervals in Western Europe up to the peace of Utrecht, and in Eastern, to the peace of Nystadt. These wars were certainly not so exterminating as the wars of the Reformation,

but still they were accompanied with great devastation, and even with personal violence against the pacific population of invaded countries.* It is remarkable that the difference between military occupation and conquest was not yet sufficiently established at that time. A commander-in-chief, having scarcely entered the enemy's country, took the oath of fidelity from the population, and disposed, according to his will, of public as well as of private property. It was very natural that the inhabitants revolted against such usurpations, and consequently were put under martial law. In the middle of the eighteenth century we see long wars between Austria and Prussia, in which many other states of Europe took part, as allies of Maria Theresa or of Frederick the Great, and there appears for the first time the celebrated system according to which "La guerre doit nourrir la guerre." Frederick the Great may be justly considered as its author, and seems to have applied it principally in Germany. The contributions he laid upon the towns and villages of Saxony are certainly enormous; to them must be added requisitions and the plundering of public money. All these atrocities are related with great truth by Schlosser, in his History of the Eighteenth Century.

Before proceeding farther, it is interesting to know how much had advanced, from the seventeenth to the eighteenth century, the knowledge of the laws and customs of war. The first essay on that subject was written by the Spanish theologian, Victoria; but it has rather a religious and moral than a judicial character. The more important work of Ayala, a Spanish military judge in the Netherlands, is constructed principally upon Roman law, and contains examples taken from Roman history. The same may be said of the book of Gentilis "*de jure belli.*" The principal treatise on the laws of war is certainly that of Grotius. The third book of it gives very detailed views of the different phenomena and operations of war. The author begins with the so-called *jus strictum*, or primitive international law, and then speaks of the mitigating influences upon it (*temperamenta*). Unfortunately, the Christian customs of the middle ages are scarcely touched in his treatise. Even in ancient history he is more inclined to give the opinions of philosophers and historians on belligerent rights, than to speak of the institutions of war. Then follows the celebrated Dutch jurist Bynkershoek. In his "Questions of Public Law" may be found many chapters relating to the customs of war. But he is a great admirer of Roman law, and defends nearly all its principles. According to him, the enemy has scarcely any rights whatever, and with the declaration of war falls under the power of his adversary (*in commissum cadit*). If some exceptions from this rule are admitted by belligerents, they depend wholly upon their agreement (*consensus*), otherwise with the beginning of hostilities all human relations between enemies must cease.

Vattel is the last jurist of whom I shall speak here, as he was

* Such was the devastation of the Palatinate by the French armies under Turenne.

and is still considered as an authority upon the subject. In fact, the Christian customs of war seem to be more known to him than to his predecessors; but as he is but a compiler of Wolf, and has very few ideas of his own, he enlarges too much upon philosophical matters. Wolf himself was but little acquainted with the contemporary practice of war, and could scarcely speak freely upon the subject.

The French Revolution gave brilliant promises of peace; the first actors in it spoke only of good will between nations, condemned the policy of conquest, and even tried to give a new code of international law; but all these illusions were gone with the outbreak of war. The first cruel measure of the Convention was the celebrated decree forbidding the soldiers to give quarter to Hanoverians and English. It is reported that the troops refused to obey it. But the spirit of chivalry in the French army soon disappeared under the corrupting influence of the Directory. It gave Napoleon permission to plunder the invaded countries in order to support the exhausted treasury. The proclamation by him, addressed to the Italian army on that occasion, is very remarkable.

"You are naked and hungry," he says, "but do not forget that I will lead you to the richest country." The soldiers, of course, understood his meaning. But the permission to plunder soon became very dangerous to discipline, and was accordingly somewhat limited, giving place to monstrous contributions and requisitions, which led to great atrocities against the pacific population. I cannot enter here into the history, it is sufficient to say that the cruelties of the system rather increased than diminished in the course of time. The last wars undertaken by Napoleon against Spain and Russia led to the general rising of the people, and were accompanied with indescribable horrors.

Perhaps there had never occurred such a good opportunity for revising and improving the laws and customs of war than at the Congress of Vienna. At that time nearly all the nations of Europe knew by their own experience the hated misery of foreign invasion. All the atrocities of Napoleon's troops were fresh in their memory, and public opinion was very much inclined to see them prevented for the future. As to competent men for deciding difficult questions, they could have been easily found among the great generals of that epoch. But the Congress did nearly nothing for that purpose, and even declined to hear the complaints of the Hessian state creditors against the Elector, who refused to acknowledge their rights.*

From 1815 to 1848 the peace of Europe was interrupted only by revolutions; as to international wars they occurred seldom, and for a very short time, and, consequently, were not much felt by society.

After 1851, when Napoleon's nephew became the Emperor of the

* I have no room here to give an account of this long and complicated affair. It concerned principally the right of the enemy to dispose of public domains and of public debts in the invaded country.

French, some politicians expected that the era of conquest had returned. But the times were much changed; even the French people was not inclined to adventures, and supported the Government only in two wars, namely, in those of the Crimea and of Italy. In the one as well as in the other hostilities were localized, and conducted with much indulgence to the inhabitants of the country. If some devastations were made, it was, in the majority of cases, with a purpose of destroying public, not private, property. In the Crimea, where the allied powers had all the provisions for their armies brought from home, requisitions were made only at the beginning of the hostilities.

Under the influence of these phenomena, people began to talk about new principles of war, as if they had been already established. It appeared to many minds that our age, having greatly improved the arts of peace, had begun to civilize war, and had already achieved great results, such as the exemption of private persons and property from its calamities, and the limiting of its operations to combatants, &c. Even the use of destructive arms seemed a progress, as it tended to shorten hostilities. On the contrary, the extension of bloodshed was considered a temporary evil. Some enthusiasts flattered themselves that the time was near when war would consist only in strategical movements.

But all these illusions have been dissipated by the cruel war of Germany with France. I shall not describe all the sufferings of the pacific population in the districts which were occupied by the German army, as they are fresh in your memory. Let me only make a few observations relating to the peculiar character of that war.

Up to 1870 private property seemed to be more exposed to depredations in maritime than in continental wars. Now we find quite the reverse of it; with the abolition of privateering a pacific mariner and a merchant enjoy full security, and even may enrich themselves by indirect commerce with the enemy. The position of a peasant is not so enviable. If the enemy's troops only happen to give battle on his land, he not only loses in a few hours his annual crop without any hope of remuneration, but often sees in the street or farm a house destroyed, sometimes a village. Open towns were bombarded if it was proven that they had been previously occupied by French troops. In order to secure their communications, the Germans took the most extraordinary measures. Wherever they found railways unsafe they put into the trains the local dignitaries, and made them accompany the regiments.

Thus in the last war the pacific population of the invaded country was utterly helpless and unprotected against the enemy, and no change for the better can be expected in future wars before human rights are secured by international law. At the present time they are scarcely defined and very uncertain. It must be confessed that the European jurists of the nineteenth century have totally neglected or left out of view the study of the history and practice of continental war. This fact, I think, may be attended to by such societies as the

Social Science Association, in which men may combine their views for the common cause.

Accordingly I propose to the Section of Jurisprudence to take into their consideration this important subject. A committee composed of military men and lawyers might be formed for the purpose of making inquiries upon it. I do not speak here of codification. It would be, perhaps, useless, and, at all events, premature—at least the results obtained in this way are not satisfactory.* I speak here of your patient method of studying facts. Long as it is, it leads to safe conclusions. I am happy to say that this great question has already claimed the attention of many distinguished men in England and on the Continent. Colonel Hamley, in his letters to the *Times* newspaper was, perhaps, the first who pointed out the sufferings of the pacific inhabitants of France. I must also mention here the unknown author of a remarkable essay in the *Quarterly Review* on the usages of war. Recently there has appeared in France a comprehensive work upon this subject by Achille Morin. The aid of competent men would greatly contribute to this humane cause. I do not doubt that the Social Science Association will use all its power to call them to take their part in the labours of a committee.

Vienna, Sept. 15, 1872.

[The Members of the Association, to all of whom Professor Katchenowsky was well known for his learning, and his enthusiasm of humanity, while to many of them he was endeared as a personal friend, will hear with sorrow that he died at Kharkow, of consumption, on 2nd January, 1873, at the age of forty-five. His short life will have left a mark in Russian thought, by the prolific zeal with which, both as a writer and in his university lectures, he diffused a knowledge of international law and of the principles of free government. While Professor of International Law at the University of Kharkow, he gave also voluntary lectures on constitutional law, which met with such success among the students that the authorities established a chair of that subject, for which M. Katchenowsky exchanged his former professorship. In the above paper the Association, to which he was much attached, possesses perhaps his latest composition; its conclusion was hurried, owing to his anxiety that it should arrive in time for the Plymouth meeting, which it unfortunately did not, and after his return home from Vienna, when the hand of death was almost on him, he wrote of his hope to be able to expand that portion for our *Transactions*. It would have been most valuable to have M. Katchenowsky's more detailed observations on the treatment of the peaceable inhabitants of France by the Germans. The present writer believes that nothing was done by them for which the previous wars of this century did not afford a bad precedent or analogy, and that they

* During the last few years many codes of international law have been published in America and Germany (Domin, Lieber, Bluntschli, Field).

refrained from copying much in those wars that was bad. But he also believes that things which in former wars, and especially by the French, had been done impulsively and occasionally, were done in the late war by the Germans, so far as they chose to do them at all, deliberately and systematically; and that to this source is due that peculiar horror with which even those not unversed in military history regard the recent events, a horror for which no comparative criticism of the facts seems fully to account, while it seems equally powerless to remove it. If this be so, it shows impressively with what wisdom M. Katchenowsky, in almost his last words, has told us that the codification of the laws of war would now be premature. The nations of weak and feminine character will always tend to relax the laws of war in theory, and to be carried beyond their bounds in practice; the strong and masculine nations will uphold harsher rules and abide by them. There is little probability that, in the long run, the future belongs more to the Germans than to the French; and the time for codifying military usage is not when either of those great nations is so exalted by victory, that what might be urged by the other would not meet with due attention.—J. W.]

Appendix referring to Mr. Payne's paper on Primary Instruction. *See p. 245.*

I. General Results of Instruction in Reading, Writing, and Arithmetic in Great Britain. (Report, 1866-7.*)

Children of all ages present at the examination ...	1,287,604
Children over six years of age.	
Present at the examination, about	1,000,000
Qualified for examination	803,177
Presented for examination	664,005
Passed the examination	432,486
Failed to pass „	231,519 (*a*)
Not presented for want of sufficient attendance ...	196,823 (*b*)
„ „ attainments	139,172 (*c*)
Actually unable to pass the examination ($a+b+c$)	567,514

*** It appears, therefore, that those who passed in the six standards taken altogether were only about 65 per cent. of those examined, and only about 43 per cent. of the whole number over six years old present.

II. Results of the Finished Education.

Children over ten years of age.

Present at the examination, about	283,000
Presented for examination in all standards ..	264,231
Passed in all standards	169,928
Failed to pass in all standards	94,303
Presented for examination in Standards I., II., III.	121,987
Passed in „ „	83,361
Presented for examination in Standards IV., V., VI.	142,244
Passed in „ „	86,567
Presented for examination in Standard VI. ...	23,118
Passed in „ „	15,867

*** The "education" of the great mass of the children ends at ten or eleven years of age, and therefore consists in what they have learned by that time. We see above, that of children over ten (about 28 per cent. of the number over six) examined, about two-thirds ($\frac{169928}{264231}$) pass in one or other of the standards. But as about half of these cannot pass Standard IV., their education for life consists in reading and spelling indifferently, and doing short division sums; while that of the upper half consists in somewhat better reading and spelling, and doing sums in compound rules, practice, or bills of parcels. As, however, these better educated children constitute only one-third of the number above ten examined ($\frac{86567}{264231}$) we conclude that two-thirds leave school furnished only with the barest elements of instruction; that is, that after a school course of at least four years (2748 hours), two out of every three, on leaving school, are found not to have accomplished the object for which the whole system was devised. The machine fails twice as often as it succeeds.

But we further see that as only 15,867 children pass in Standard VI., only about one in sixteen ($\frac{15867}{264231}$) of those who, being over ten, are about to leave school, reaches the topmost round of the ladder; fifteen out of sixteen fall short of it.

Lastly, we see, in reviewing the results of the whole scheme, that in our schools generally, only 1 in 63 ($\frac{15867}{1000000}$) of the children above six years of age is able to pass Standard VI., so that if two such scholars are found in any one school of 63 children, there must be another school somewhere in which the ratio is only 1 : 126.

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* This Report is taken as typical. The ratio between numbers and results scarcely varies more than two or three per cent. in ten years.

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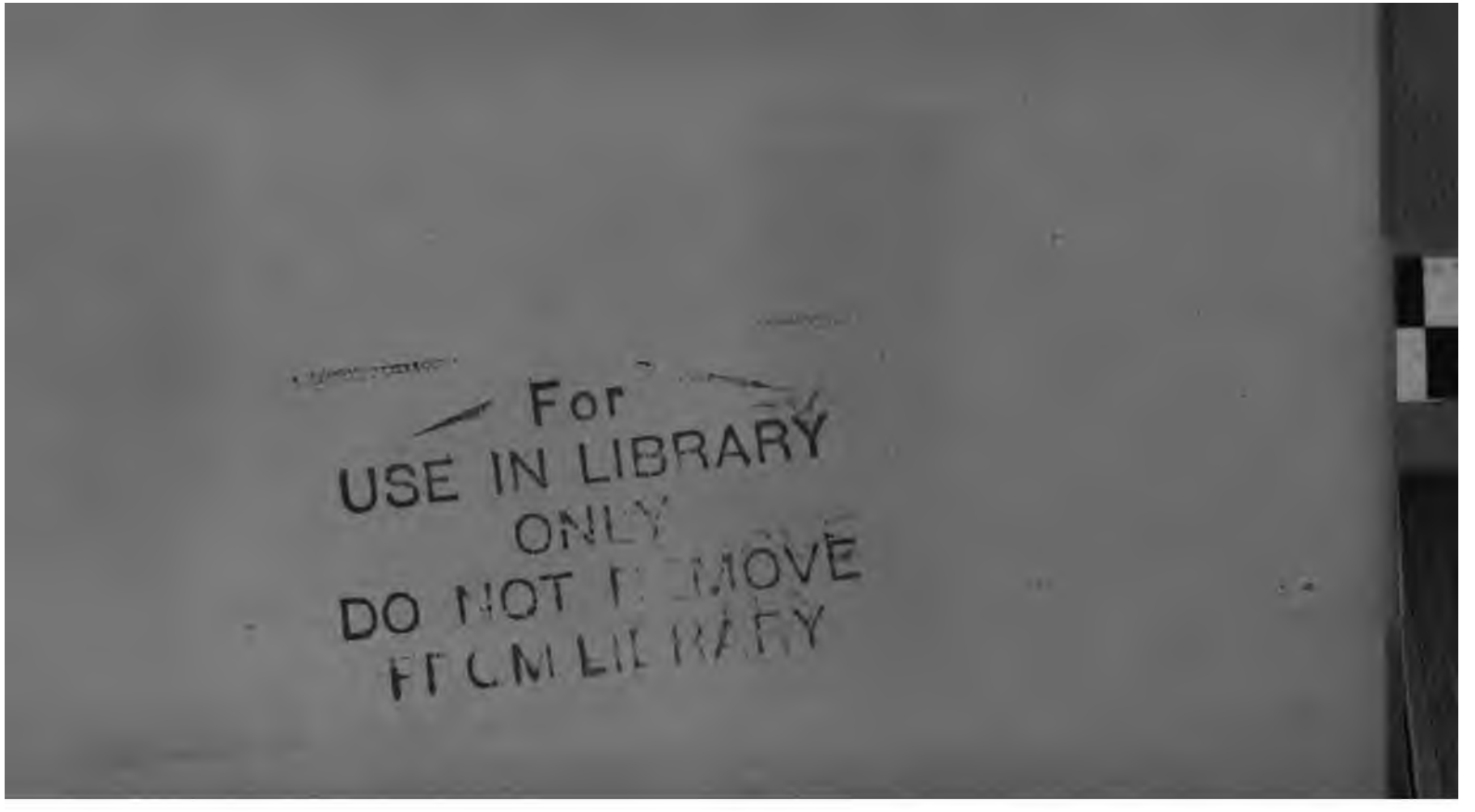
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